

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE GRAND JURY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
PLAINTIFF,)	
)	NO. BA475908
VS.)	
)	
01 ERIC RONALD HOLDER JR.,)	
)	
DEFENDANT.)	

REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS
MAY 6, 2019

APPEARANCES:

JOHN MC KINNEY, DEPUTY DISTRICT ATTORNEY OF THE
COUNTY OF LOS ANGELES, REPRESENTING THE OFFICE
OF THE DISTRICT ATTORNEY.

VALERIE AENLLE-ROCHA, DEPUTY DISTRICT ATTORNEY
OF LOS ANGELES COUNTY AND LOS ANGELES COUNTY
GRAND JURY ADVISOR.

RENE' MARIE EVANKO, CSR #6404, DULY APPOINTED
AND SWORN AS THE OFFICIAL STENOGRAPHIC REPORTER
OF THE LOS ANGELES COUNTY GRAND JURY.

VOLUME 1 OF 3 VOLUMES
PAGES 1 THROUGH 150, INCL.

COPY

RENE' MARIE EVANKO, CSR #6404
OFFICIAL REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

M A S T E R I N D E X

FOREPERSON'S STATEMENT	PAGE 2
OPENING STATEMENT	PAGE 11
CLOSING STATEMENT	PAGE 485
INSTRUCTIONS	PAGE 494
INDICTMENT	PAGE 510

CHRONOLOGICAL INDEX OF WITNESSES

<u>WITNESSES</u>	<u>PAGE</u>	<u>VOLUME</u>
GUERRERO, ALEJANDRO	25	1
DOUGLAS, HERMAN	37	1
(RESUMED)	58	1
LATHAN, KERRY LOUIS	103	1
JAMISON, JOHN	163	2
TIMMERMANS, THORSTEN GEBHARD	182	2
WITNESS #1	212	2
(RESUMED)	232	2
NGUYEN, LAWRENCE (CALLED OUT OF ORDER)	323	2
WITNESS #1 (RESUMED)	340	3
SAULS, RYAN	422	3
MENDOZA, ARMANDO	429	3
RAMIREZ, MICHAEL	443	3
AMARAL, EVERARDO	455	3
WASHINGTON, CEDRIC	466	3

EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	INTRODUCED OR IDENTIFIED PAGE	VOLUME
1	GRAND JURY INDICTMENT HEARING LIST OF EXHIBITS DESCRIPTION: A 7-PAGE DOCUMENT, NUMBERED IN THE LOWER RIGHT-HAND CORNER OF EACH PAGE, ENTITLED GRAND JURY INDICTMENT HEARING LIST OF EXHIBITS CONTAINING DESCRIPTIONS OF EXHIBITS NUMBERS 1 THROUGH 41	23	1
2	PHOTO VICTIM ERMIAS JOSEPH ASGHEDOM	23	1
3	PHOTO ERIC RONALD HOLDER JR.	23	1
4	AERIAL PHOTO 3420 SLAUSON AVENUE	23	1
5	PHOTO PARKING LOT OF 3420 SLAUSON AVENUE	23	1
6	PHOTO SHERMI VILLANUEVA	23	1
7	PHOTO INJURY TO SHERMI VILLANUEVA	23	1
8	PHOTO ERIC RONALD HOLDER JR.	23	1
9	PHOTO GROUP PHOTO IN PARKING LOT AT 3420 SLAUSON AVENUE	23	1
10	PHOTO GROUP PHOTO IN PARKING LOT AT 3420 SLAUSON AVENUE	23	1
11	DVD SHELL GAS SURVEILLANCE VIDEO	23	1
12	DVD 58TH PLACE AND MASTER BURGER	23	1
13	DVD CROPPED CLIPS	23	1

EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	INTRODUCED OR IDENTIFIED PAGE	VOLUME
14	PHOTO 3420 SLAUSON AVENUE PARKING LOT	23	1
15	PHOTO 3420 SLAUSON AVENUE PARKING LOT	23	1
16	PHOTO ERIC RONALD HOLDER JR. TATTOOS	23	1
17	DIAGRAM SEMI-AUTO HANDGUN AND REVOLVER	23	1
18	PHOTO WHITE CAR	23	1
19	AERIAL PHOTO CRENSHAW BOULEVARD TO WEST BOULEVARD	23	1
20	PHOTO STYROFOAM CONTAINER	23	1
21	AERIAL PHOTO SLAUSON AVENUE AND CRENSHAW BOULEVARD	23	1
22	PHOTO ERIC RONALD HOLDER JR. WITH HANDGUN	23	1
23	AERIAL PHOTO SLAUSON AVENUE TO THE 405 FREEWAY	23	1
24	AERIAL PHOTO VIDEO CAMERA LOCATIONS FOR CAM 5, CAM 6, CAM 21, AND MASTER BURGER	23	1
25	AERIAL PHOTO VIDEO CAMERA LOCATION FOR 58TH PLACE CAMERA	23	1
26	PHOTO PARKING LOT AT 3420 SLAUSON AVENUE	23	1
27	PHOTO PARKING LOT AT 3420 SLAUSON AVENUE	23	1

EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	INTRODUCED OR IDENTIFIED PAGE	VOLUME
28	PHOTO PARKING LOT AT 3420 SLAUSON AVENUE	23	1
29	PHOTOS A-D PARKING LOT AT 3420 SLAUSON AVENUE	23	1
30	PHOTOS A-D PARKING LOT AT 3420 SLAUSON AVENUE	23	1
31	PHOTOS A-D PARKING LOT AT 3420 SLAUSON AVENUE	23	1
32	PHOTOS A-D PARKING LOT AT 3420 SLAUSON AVENUE	23	1
33	PHOTO ALLEY BETWEEN SLAUSON AND 58TH PLACE SHOWING STYROFOAM CONTAINER AND FRIES	23	1
34	CORONER'S PHOTO ERMIAS JOSEPH ASGHEDOM	23	1
35	CORONER'S DIAGRAM FORM 20	23	1
36	CORONER'S DIAGRAM FORM 22	23	1
37	PHOTO CLOTHING ON BUTCHER PAPER	23	1
38	PHOTO BLACK HOODIE ON BUTCHER PAPER	23	1
39	DOCUMENT 3-PAGE REDACTED RAP SHEET	23	1
40	PHOTO INTERIOR OF MASTER BURGER	23	1
41	PHOTO CARTRIDGE CASING AND FIRED HANDGUN	23	1

(EXHIBITS 1 THROUGH 41 ADMITTED BY REFERENCE
AT PAGE 484.)

1 LOS ANGELES, CALIFORNIA; MONDAY, MAY 6, 2019

2 9:38 A.M.

3 -000-

4
5 (AT THE BEGINNING OF THE PROCEEDINGS,
6 24 GRAND JURORS WERE PRESENT.)
7

8 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
9 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER AND
10 SWEAR THE COURT REPORTER.

11 THE FOREPERSON: THIS HEARING IS NOW IN SESSION.
12 WILL THE COURT REPORTER PLEASE RAISE YOUR
13 RIGHT HAND.
14

15 (THE GRAND JURY REPORTER, RENE' MARIE EVANKO,
16 WAS SWORN AS FOLLOWS:

17 THE FOREPERSON: DO YOU SOLEMNLY SWEAR THAT
18 YOU WILL CORRECTLY TAKE IN SHORTHAND AND
19 CORRECTLY TRANSCRIBE, TO THE BEST OF YOUR
20 ABILITY, ALL OF THE TESTIMONY GIVEN BY EACH
21 AND EVERY WITNESS TESTIFYING IN THE MATTER
22 NOW PENDING BEFORE THIS GRAND JURY, AND THAT
23 YOU WILL KEEP SECRET AND DIVULGE TO NO ONE
24 ANY OF THE PROCEEDINGS OF THIS GRAND JURY,
25 SO HELP YOU GOD?

26 THE REPORTER: I DO.)
27

28 THE FOREPERSON: THANK YOU SO MUCH.

1 WILL THE SECRETARY PLEASE CALL THE ROLL.

2

3 (THE SECRETARY CALLED THE ROLL.)

4

5 MS. AENLLE-ROCHA: THANK YOU, MADAM SECRETARY.

6 PLEASE LET THE RECORD REFLECT THAT THERE

7 ARE 24 GRAND JURORS PRESENT. ALSO PRESENT IS DEPUTY

8 DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND

9 JURY LEGAL ADVISOR.

10 WOULD THE FOREPERSON PLEASE READ THE

11 FOREPERSON'S STATEMENT.

12 MADAM FOREPERSON, YOU START WITH "NAME OF

13 TARGET."

14 THE FOREPERSON: (READING).

15 NAME OF TARGET: ERIC RONALD

16 HOLDER JR.

17 TARGET ERIC RONALD HOLDER JR.

18 ("HOLDER") AND WITNESS 1 MET IN FEBRUARY OF

19 2019. WITNESS 1, WHO WORKED AS A HOME

20 HEALTHCARE WORKER BY DAY AND A [REDACTED]

21 BY NIGHT, MET HOLDER DURING A FARE. OVER

22 THE COURSE OF THE NEXT MONTH, HOLDER AND

23 WITNESS 1 SPENT TIME SOCIALIZING TOGETHER,

24 INCLUDING HAVING ONE SEXUAL ENCOUNTER.

25 DURING HER BRIEF FRIENDSHIP WITH HOLDER,

26 WITNESS 1 BECAME AWARE THAT HE WAS A

27 ROLLIN 60'S GANG MEMBER. WITNESS 1 ALSO

28 LEARNED THAT HOLDER USUALLY CARRIED A

1 BLACK SEMIAUTOMATIC HANDGUN THAT HE SAID
2 HE NEEDED FOR PROTECTION.

3 ON SUNDAY, MARCH 31ST, 2019,
4 WITNESS 1 AND HOLDER DROVE FROM LONG BEACH
5 TO LOS ANGELES TO GET FOOD AND SHOP.
6 HOLDER DIRECTED WITNESS 1 TO PULL INTO A
7 STRIP MALL AT SLAUSON AVENUE AND CRENSHAW
8 BOULEVARD. HOLDER TOLD WITNESS 1 THAT HE
9 WAS GOING TO GET SOMETHING TO EAT AT A
10 RESTAURANT IN THE STRIP MALL. AS
11 WITNESS 1 PULLED INTO THE PARKING LOT,
12 SHE SAW A MAN THAT SHE RECOGNIZED AS
13 "NIPSEY HUSSLE" WHOSE LEGAL NAME IS
14 ERMIAH ASGHEDOM ("HUSSLE"). WITNESS 1
15 GOT EXCITED AND SAID, "HEY, THAT'S
16 NIPSEY HUSSLE." HOLDER DID NOT RESPOND.
17 HOLDER NEVER TOLD WITNESS 1 THAT HE KNEW
18 HUSSLE NOR DID HOLDER GIVE WITNESS 1 ANY
19 REASON TO BELIEVE THAT HE EXPECTED TO
20 SEE HUSSLE AT THAT LOCATION. ONCE THERE,
21 HOLDER WENT INTO THE "MASTER BURGER"
22 RESTAURANT TO ORDER FOOD.

23 AFTER SPENDING A FEW MOMENTS
24 INSIDE THE RESTAURANT, HOLDER WALKED OVER
25 TO A GROUP OF THREE MEN, INCLUDING HUSSLE.
26 HOLDER SPENT SEVERAL MINUTES TALKING TO
27 THE MEN BEFORE WITNESS 1 GOT OUT OF HER
28 CAR AND APPROACHED THE GROUP TO REQUEST

1 A PICTURE WITH HUSSLE. WHILE WITNESS #1
2 WAITED TO TAKE A PICTURE WITH HUSSLE,
3 SHE HEARD HOLDER ASK IF HUSSLE -- ASK
4 HUSSLE IF HE HAD EVER SNITCHED. HUSSLE
5 CALMLY WAVED HOLDER OFF AS IF HE DID NOT
6 WANT TO TALK TO HIM. WITNESS #1 TOOK A
7 SELFIE PHOTOGRAPH WITH HUSSLE THEN
8 RETURNED TO HER CAR. HOLDER REMAINED
9 TALKING TO HUSSLE FOR A FEW MORE MINUTES
10 THEN WALKED BACK INTO THE RESTAURANT.
11 HOLDER LEFT THE RESTAURANT WITH HIS FOOD
12 ORDER AND WALKED BACK TO HUSSLE FOR
13 ANOTHER BRIEF CONVERSATION. HOLDER THEN
14 RETURNED TO WITNESS #1'S CAR.

15 ONCE INSIDE THE CAR, HOLDER TOLD
16 WITNESS #1 TO DRIVE AROUND THE CORNER.
17 WITNESS #1 FOLLOWED HOLDER'S INSTRUCTIONS
18 AND DROVE ONTO CRENSHAW BOULEVARD. SHE
19 THEN NOTICED THAT HOLDER WAS HOLDING A
20 BLACK SEMIAUTOMATIC HANDGUN. IT WAS THE
21 FIRST TIME THAT DAY THAT SHE SAW HOLDER
22 WITH A GUN. HOLDER STARTED PULLING BACK
23 ON THE SLIDE AT THE TOP OF THE GUN AND
24 TOLD WITNESS #1 TO DRIVE AROUND THE BLOCK
25 SO HE COULD DO A DRIVE-BY. WITNESS #1
26 REFUSED. HOLDER THEN DEMANDED THAT
27 WITNESS #1 PULL INTO A PARKING LOT
28 LOCATED BETWEEN SLAUSON AVENUE AND

1 58TH PLACE. HOLDER GOT OUT OF THE CAR,
2 PUT ON A RED SHIRT, AND TOLD WITNESS #1
3 TO WAIT AND NOT MOVE. HOLDER WALKED
4 NORTHBOUND THROUGH THE ALLEY BACK TOWARD
5 THE STRIP MALL PARKING LOT AND SLOWLY
6 APPROACHED HUSSLE'S LOCATION. WHEN HE
7 WAS WITHIN A FEW FEET OF HUSSLE, HOLDER
8 DISPLAYED A FIREARM AND FIRED SEVERAL
9 SHOTS AT HUSSLE AND SEVERAL OTHER PEOPLE
10 WHO WERE SITTING AND STANDING WITHIN A
11 FEW FEET OF HUSSLE. HUSSLE, KERRY LATHAN
12 ("LATHAN"), AND SHERMI VILLANUEVA WERE
13 STRUCK BY BULLETS AND IMMEDIATELY FELL TO
14 THE GROUND. HUSSLE WAS SHOT MULTIPLE
15 TIMES, LATHAN WAS SHOT ONCE IN HIS BACK,
16 AND SHERMI VILLANUEVA SUFFERED A GRAZE
17 WOUND TO HIS FRONT WAIST AREA. HUSSLE
18 DIED A SHORT TIME AFTER THE SHOOTING AND
19 LATHAN WAS HOSPITALIZED FOR HIS INJURIES.
20 VILLANUEVA SUFFERED A SUPERFICIAL INJURY.

21 MATTERS TO BE CONSIDERED IN
22 CONNECTION WITH THE ABOVE-NAMED TARGETS.
23 MS. AENLLE-ROCHA: TARGET.
24 THE FOREPERSON: TARGET.

25 THIS HEARING CONCERNS WHETHER
26 SUFFICIENT EVIDENCE WILL BE PRESENTED TO
27 THE CRIMINAL GRAND JURY TO INDICT ERIC
28 RONALD HOLDER JR. FOR ONE COUNT OF

1 MURDER, TWO COUNTS OF ATTEMPTED MURDER,
2 TWO COUNTS OF ASSAULT WITH A FIREARM, AND
3 ONE COUNT OF FELON IN POSSESSION OF A
4 FIREARM. THE PROPOSED INDICTMENT CHARGES
5 TARGET ERIC RONALD HOLDER JR. WITH MURDER,
6 IN VIOLATION OF PENAL CODE SECTION 187(A);
7 TWO COUNTS OF ATTEMPTED MURDER IN
8 VIOLATION OF PENAL CODE SECTIONS
9 664/187(A); TWO COUNTS OF ASSAULT WITH A
10 FIREARM IN VIOLATION OF PENAL CODE SECTION
11 245(A)(2); AND ONE COUNT OF FELON IN
12 POSSESSION OF A FIREARM IN VIOLATION OF
13 PENAL CODE SECTION 29800(A)(1).

14 TENTATIVE WITNESS LIST:

15 NUMBER 1. HERMAN DOUGLAS.

16 NUMBER 2. KERRY LATHAN.

17 NUMBER 3. SHERMI VILLANUEVA.

18 NUMBER 4. ALEJANDRO GUERRERO.

19 NUMBER 5. WITNESS #1.

20 NUMBER 6. THORSTEN TIMMERMANS,
21 #37459.

22 MS. AENLLE-ROCHA: YOU DON'T HAVE TO READ THAT,
23 JUST THE NAMES.

24 THE FOREPERSON: NUMBER 7. FRANK ZARAGOZA.

25 NUMBER 8. SCOTT TUEBERT.

26 NUMBER 9. CLIFF ROSE.

27 NUMBER 10. RYAN SAULS.

28 NUMBER 11. GEORGE MORALES.

1 NUMBER 12. CEDRIC WASHINGTON.
2 NUMBER 13. MICHAEL RAMIREZ.
3 NUMBER 14. CORONER REPRESENTATIVE.

4 ANY MEMBER OF THE GRAND JURY WHO
5 HAS A STATE OF MIND IN REFERENCE TO THIS
6 CASE, OR TO ANY OF THE PARTIES INVOLVED,
7 WHICH WILL PREVENT HIM OR HER FROM
8 ACTING IMPARTIALLY AND WITHOUT PREJUDICE
9 TO THE SUBSTANTIAL RIGHTS OF ANY OF THE
10 SAID PARTIES SHALL NOW RETIRE.
11

12 MS. AENLLE-ROCHA: AND IF THERE ARE ANY GRAND
13 JURORS WHO DO NOT BELIEVE THAT THEY CAN BE IMPARTIAL
14 WITHOUT PREJUDICE, PLEASE RAISE YOUR HAND.

15 MADAM FOREPERSON, THERE IS A WITNESS [SIC]
16 WHO HAS INDICATED THAT HE CANNOT BE FAIR AND IMPARTIAL.
17 SO AT THIS TIME I'M GOING TO ASK THAT ALL OF THE OTHER
18 JURORS PLEASE EXIT THE HEARING ROOM SO THAT THE FOREPERSON
19 CAN CONDUCT A HEARING IN REGARDS TO THIS WITNESS [SIC].
20 IT SHOULD JUST BE A COUPLE OF MINUTES.

21 AND I'M GOING TO ASK THE DEPUTY DISTRICT
22 ATTORNEY TO LEAVE THE HEARING ROOM AS WELL.

23
24 (23 GRAND JURORS EXITED THE GRAND
25 JURY HEARING ROOM.)
26

27 MS. AENLLE-ROCHA: AND LET THE RECORD REFLECT THAT
28 23 GRAND JURORS HAVE LEFT THE HEARING ROOM AND

1 MR. MC KINNEY IS LEAVING THE HEARING ROOM.

2
3 (DEPUTY DISTRICT ATTORNEY MC KINNEY
4 EXITED THE GRAND JURY HEARING ROOM.)
5

6 MS. AENLLE-ROCHA: THOSE REMAINING ARE THE
7 FOREPERSON, MYSELF, AND THE COURT REPORTER, AND A JUROR
8 THAT WE'LL IDENTIFY AS JUROR NUMBER 14.

9 SO, MADAM FOREPERSON, WOULD YOU PLEASE
10 INQUIRE OF THE JUROR AS TO THE REASONS WHY THIS JUROR
11 CANNOT -- WHY HE HAS THE STATE OF MIND IN REFERENCE TO
12 THIS CASE THAT WILL PREVENT HIM FROM ACTING IMPARTIALLY
13 AND WITHOUT PREJUDICE TO THE SUBSTANTIAL RIGHTS OF ANY OF
14 THE PARTIES.

15 THE FOREPERSON: JUST REPHRASE THAT?

16 MS. AENLLE-ROCHA: JUST ASK THE WITNESS TO TELL YOU
17 WHY.

18 THE FOREPERSON: JUROR NUMBER 14, CAN YOU TELL ME
19 WHY YOU FEEL THAT YOU CANNOT BE IMPARTIAL IN THIS CASE?

20 GRAND JUROR NO. 14: YES, BECAUSE OF PREVIOUS
21 WATCHING OF THE MEDIA, WATCHING THE VIDEO OF WHAT
22 HAPPENED, AND THEN ALSO WORKING AND LIVING IN THAT AREA.
23 SOMETIMES I -- I FREQUENT THE RESTAURANT CLOSE TO THAT
24 AREA WHERE THE SHOOTING TOOK PLACE AND ALSO THAT MY WIFE
25 SOMETIMES HAS TO GO INTO THAT AREA TO A SUPERMARKET NOT
26 FAR DOWN -- JUST DOWN THE STREET FROM THE INCIDENT.

27 THE FOREPERSON: SO DO THOSE FACTORS PREVENT YOU
28 FROM BEING IMPARTIAL, AND IF SO, WHAT WOULD BE THE

1 PREJUDICE THERE?

2 GRAND JUROR NO. 14: THE PREJUDICE WOULD BE I'VE
3 ALREADY FORMED AN OPINION ON THE GUILT OR INNOCENCE OF THE
4 SUSPECT.

5 THE FOREPERSON: SO I WANT TO REMIND YOU THAT YOU
6 ARE NOT MAKING A DECISION AS TO INNOCENCE OR GUILTY. THE
7 BURDEN OF PROOF IS PROBABLE CAUSE.

8 GRAND JUROR NO. 14: CORRECT.

9 THE FOREPERSON: SO DO YOU BELIEVE THAT YOU'VE
10 ALREADY FORMED AN OPINION OF PROBABLE CAUSE ABOUT THE
11 TARGET?

12 GRAND JUROR NO. 14: CORRECT.

13 THE FOREPERSON: AND THAT WOULD PREVENT YOU FROM
14 BEING IMPARTIAL TO THE TARGET?

15 GRAND JUROR NO. 14: CORRECT. THAT WOULD MAKE ME
16 PARTIAL.

17 THE FOREPERSON: OKAY. JUROR NUMBER 14, I WILL ASK
18 YOU TO RETIRE AND RETURN FOR THE NEXT CASE BECAUSE YOU
19 CANNOT BE IMPARTIAL TOWARD THE TARGET IN THIS PARTICULAR
20 CASE. AND I'M MAKING THAT FINDING THAT YOU CANNOT BE
21 IMPARTIAL AND YOU WOULD BE PREJUDICED AGAINST THE TARGET.

22 MS. AENLLE-ROCHA: ALL RIGHT. THANK YOU, MADAM
23 FOREPERSON.

24 AND, JUROR NUMBER 14, I'M GOING TO ASK THAT
25 YOU LEAVE THE HEARING ROOM AND WE'LL SEE YOU FOR THE NEXT
26 CASE THIS MONTH.

27 THANK YOU VERY MUCH.

28 JUROR NUMBER 14 IS LEAVING THE HEARING ROOM

1 AND I AM ADVISING HIM THAT BECAUSE HE HAS READ THE
2 FOREPERSON'S STATEMENT AND HE IS FAMILIAR WITH THIS CASE
3 THAT HE'S ADMONISHED AND ADVISED NOT TO DISCUSS THIS CASE
4 WITH ANYONE AND TO UPHOLD THE SECRECY OF THE GRAND JURY,
5 PARTICULARLY AS TO THIS CASE.

6 THANK YOU, JUROR NUMBER 14.

7 GRAND JUROR NO. 14: OKAY.

8 MS. AENLLE-ROCHA: MADAM FOREPERSON, HE IS EXCUSED?
9 YES?

10 THE FOREPERSON: YES, HE IS EXCUSED.

11 MS. AENLLE-ROCHA: THANK YOU.

12
13 (DEPUTY DISTRICT ATTORNEY MC KINNEY AND
14 23 GRAND JURORS ENTERED THE GRAND JURY
15 HEARING ROOM.)

16
17 MS. AENLLE-ROCHA: BACK ON THE RECORD.

18 LET THE RECORD REFLECT THAT THERE ARE NOW
19 23 GRAND JURORS PRESENT.

20 MR. MC KINNEY HAS REENTERED THE HEARING
21 ROOM AND MYSELF, THE LEGAL ADVISOR. I AM HERE AS WELL.

22 GIVE ME A SECOND, MADAM FOREPERSON.

23
24 (PAUSE IN PROCEEDINGS.)

25
26 MS. AENLLE-ROCHA: SO, MADAM FOREPERSON, AT THIS
27 TIME DO YOU GIVE MR. MC KINNEY PERMISSION TO PROVIDE THE
28 GRAND JURORS WITH A BRIEF OPENING STATEMENT?

1 SO ORDERED?

2 THE FOREPERSON: SO ORDERED.

3 MS. AENLLE-ROCHA: THANK YOU.

4 MR. MC KINNEY, AS YOU WILL RECALL, SINCE
5 YOU WERE JUST HERE A COUPLE OF MONTHS AGO -- OR A MONTH
6 AGO, THAT YOU ARE THERE NEAR THE COURT REPORTER. IF YOU
7 WOULD LIKE A PODIUM, WE'LL BRING ONE OUT FOR YOU.

8 MR. MC KINNEY: NO NEED.

9 MS. AENLLE-ROCHA: OKAY.

10 MR. MC KINNEY: OKAY.

11

12

13

OPENING STATEMENT

14

15 MR. MC KINNEY: GOOD MORNING. MY NAME IS
16 JOHN MC KINNEY. I'M A DEPUTY DISTRICT ATTORNEY FOR THE
17 COUNTY OF LOS ANGELES AND I'M PLEASED TO PRESENT THIS CASE
18 TO YOU THIS MORNING AND OVER THE NEXT TWO DAYS. THIS IS
19 PEOPLE VERSUS THE TARGET ERIC HOLDER.

20

21 THIS CASE INVOLVES THE DEATH OF
22 ERMIAH JOSEPH ASGHEDOM KNOWN TO THE WORLD AS "NIPSEY
23 HUSSLE." MR. ASGHEDOM LIVED MOST OF HIS LIFE IN SOUTH
24 LOS ANGELES. HE GREW UP IN THE AREA OF SLAUSON AND
25 CRENSHAW. DURING HIS LIFE HE BECAME AN ASSOCIATE AND THEN
26 MEMBER OF A LOCAL STREET GANG IN THE AREA CALLED THE
27 ROLLIN 60'S. HE WAS A FIXTURE IN HIS LATER TEENS AND
28 EARLY 20'S AT BUSINESSES NEAR THE INTERSECTION OF SLAUSON
AND CRENSHAW.

1 HIS ACTIVITIES STARTED TO CHANGE DURING HIS
2 LATE TEEN YEARS AND EARLY 20'S AWAY FROM STREET GANG
3 ACTIVITIES TO MUSIC. HE BECAME CONSUMED WITH MUSIC AND
4 STARTED A BURGEONING CAREER AS A RAPPER AND REALLY MADE A
5 NAME FOR HIMSELF AND A CAREER FOR HIMSELF FROM THE BOTTOM
6 UP AND FROM THE OUTSIDE IN.

7 HE STARTED PRODUCING HIS OWN MUSIC AND
8 SELLING MUSIC OUT OF THE TRUNK OF HIS CAR. HE DID IT FOR
9 YEARS. HE BECAME SO POPULAR ON THIS UNDERGROUND CIRCUIT
10 THAT HE BECAME SOUGHT AFTER BY SOME OF THE BIGGER RECORD
11 LABELS AND EVENTUALLY SIGNED A RECORD DEAL AND AFTER OVER
12 10 YEARS OF SELLING MUSIC QUITE SUCCESSFULLY HE HAD HIS
13 FIRST ALBUM PRODUCED RECENTLY WHICH WAS NOMINATED FOR A
14 GRAMMY AWARD. HE WAS WELL-KNOWN IN THE AREA OF SLAUSON
15 AND CRENSHAW. HE IS BELOVED IN THAT AREA. IN FACT, HAS
16 FANS ALL OVER THE WORLD.

17 THE TARGET IN THIS CASE, MR. HOLDER, IS
18 ALSO SOMEONE WHO GREW UP IN THE AREA OF SOUTH LOS ANGELES,
19 ALSO BECAME A MEMBER OF THE ROLLIN 60'S GANG, WHICH IS A
20 CRIP GANG IN SOUTH LOS ANGELES, WAS ALSO FAMILIAR TO
21 PEOPLE IN THE AREA OF SLAUSON AND CRENSHAW.

22 MR. HOLDER, AS IT TURNS OUT, ALSO WAS AN
23 ASPIRING RAPPER, BUT NOT NEARLY AS SUCCESSFUL AS
24 MR. ASGHEDOM OR NIPSEY HUSSLE.

25 THIS CASE INVOLVES THE SHOOTING AND KILLING
26 OF MR. ASGHEDOM AND THE SHOOTING AND INJURIES TO TWO OTHER
27 INDIVIDUALS, KERRY LATHAN AND SHERMI VILLANUEVA, THAT
28 OCCURRED ON THE AFTERNOON OF SUNDAY, MARCH 31ST, 2019.

1 MR. HUSSLE, MR. ASGHEDOM -- AND I'LL
2 PROBABLY GO BACK AND FORTH BETWEEN CALLING HIM "NIPSEY"
3 AND "MR. HUSSLE" AND "MR. ASGHEDOM," ALL THE SAME
4 PERSON -- MADE AN UNANNOUNCED APPEARANCE AT A STRIP MALL
5 AT THE INTERSECTION OF SLAUSON AND CRENSHAW. THAT PLACE
6 WAS A PLACE THAT IN HIS YOUNGER YEARS HE SPENT A LOT OF
7 TIME AND A LOT OF TIME DOING ACTIVITIES THAT WEREN'T
8 NECESSARILY LAWFUL ACTIVITIES, BUT IN HIS LATER YEARS AS
9 HE BECAME SUCCESSFUL HE ENDED UP BUYING THAT PROPERTY. SO
10 HE AND HIS BROTHER OWNED AND OPERATED MOST OF THE
11 BUSINESSES AT THAT PROPERTY. YOU'LL HEAR A LITTLE BIT
12 ABOUT SOME OF THE BUSINESSES THAT OPERATED AT THAT
13 PROPERTY, THE MAIN BUSINESS BEING A STORE CALLED THE
14 MARATHON STORE WHERE HE SOLD A LOT OF HIS OWN MERCHANDISE.

15 SO ON SUNDAY THE 31ST HE SHOWED UP
16 UNANNOUNCED. HE GOT THERE A LITTLE AFTER THREE O'CLOCK IN
17 THE AFTERNOON. HE GOT OUT OF HIS VEHICLE AND HE STARTED
18 GREETING PEOPLE IN THE PARKING LOT, AND HE STAYED IN THE
19 PARKING LOT FOR THE ENTIRE TIME HE WAS THERE UP UNTIL THE
20 TIME HE WAS SHOT. DURING THAT TIME HE SIGNED AUTOGRAPHS,
21 HE TOOK PICTURES WITH FANS, HE TALKED TO SOME OF HIS
22 FRIENDS. SOME OF THEM WERE ALSO FELLOW ROLLIN 60'S GANG
23 MEMBERS. AND REALLY NOTHING UNUSUAL OR EVENTFUL OCCURRED.

24 MR. HOLDER SHOWED UP. MR. HOLDER SHOWED UP
25 APPARENTLY NOT KNOWING THAT MR. HUSSLE WAS GONNA BE THERE
26 THAT DAY, JUST A CHANCE ENCOUNTER. HE ARRIVED AT THE
27 PARKING LOT FROM ANOTHER CITY. HE WAS BEING DRIVEN BY A
28 PERSON WHO WE WILL CALL WITNESS #1 IN THIS CASE.

1 MR. HOLDER GOT OUT OF THE CAR, IMMEDIATELY
2 WALKED UP TO THE GROUP WHERE MR. HUSSLE OR MR. ASGHEDOM
3 WAS AND THEY HAD A CONVERSATION. THAT CONVERSATION IS
4 IMPORTANT BECAUSE THAT CONVERSATION HAD SOMETHING TO DO
5 WITH MR. ASGHEDOM ACCUSING MR. HOLDER OF SNITCHING, WHICH
6 IN THE GANG WORLD IS A VERY SERIOUS OFFENSE.

7 DURING THE COURSE OF THE HEARING TODAY,
8 WE'LL TRY AND ELICIT AS MUCH INFORMATION FROM WITNESSES
9 WHO WERE PRESENT ABOUT THAT CONVERSATION AS WE CAN, BUT
10 APPARENTLY THE CONVERSATION HAD SOMETHING TO DO WITH
11 MR. ASGHEDOM TELLING MR. HOLDER THAT WORD ON THE STREET
12 WAS THAT MR. HOLDER WAS SNITCHING.

13 THE CONVERSATION WASN'T PARTICULARLY
14 INTENSE, IT WASN'T PARTICULARLY BELLIGERENT, AND IT LASTED
15 FOR ABOUT FOUR MINUTES. MR. HOLDER EVENTUALLY GOT SOME
16 FOOD, GOT IN THE CAR WITH WITNESS #1, AND THEY DROVE OFF.

17 AFTER THEY DROVE OFF, MR. HOLDER PULLED OUT
18 A GUN, TOLD WITNESS #1 TO DRIVE AROUND THE BLOCK. WITNESS
19 #1 DROVE MR. HOLDER AROUND THE BLOCK, ALSO TOLD HIM TO PUT
20 THE GUN AWAY. SHE WAS CONCERNED THAT HE MIGHT SHOOT HER
21 ACCIDENTALLY OR SHOOT SOMEBODY FROM HER CAR. HE THEN TOLD
22 HER TO PULL OVER AT A CERTAIN LOCATION NEAR THE STRIP
23 MALL. HE PUT ON A SHIRT. HE HAD BEEN SHIRTLESS. HE PUT
24 ON A SHIRT AND HE TOLD HER TO WAIT THERE, HE'D BE RIGHT
25 BACK. SHE DIDN'T NECESSARILY KNOW WHERE HE WAS GOING. HE
26 WALKED OFF BACK TOWARD THE PARKING LOT WHERE HE THEN
27 WALKED UP TO WITHIN A COUPLE OF FEET OF MR. ASGHEDOM AND
28 FIRED MULTIPLE ROUNDS INTO HIM FROM TWO DIFFERENT GUNS.

1 ONE GUN WAS A SEMIAUTOMATIC HANDGUN WHICH LEAVES CASINGS
2 AT THE SCENE TYPICALLY WHEN IT'S FIRED, AND THE OTHER GUN
3 WAS A REVOLVER WHICH DOES NOT LEAVE ANY EVIDENCE OF A
4 SHOOTING OTHER THAN THE BULLETS THAT EXPEL FROM THE GUN.

5 AFTER FIRING MULTIPLE ROUNDS, MR. HOLDER
6 RAN BACK TO WITNESS 1'S CAR, JUMPED IN THE CAR, INSTRUCTED
7 HER TO DRIVE AWAY. SHE ASKED WHAT HAPPENED. HE TOLD HER
8 TO DRIVE, OTHERWISE HE WOULD SLAP HER. SHE WAS CONFUSED.
9 SHE DIDN'T KNOW IF HE HAD DONE A SHOOTING 'CAUSE SHE HEARD
10 SHOTS. SHE DIDN'T KNOW IF HE HAD BEEN SHOT AT OR WHAT WAS
11 GOING ON. WITNESS #1 ATTEMPTED TO GET INFORMATION FROM
12 HIM, BUT HE WOULDN'T ANSWER ANY QUESTIONS. SHE DROVE HIM
13 BACK TO THE AREA WHERE HE LIVED AND DROPPED HIM OFF.

14 THAT NIGHT HE CALLED AND ASKED IF HE COULD
15 STAY AT HER PLACE. SHE ALLOWED HIM TO STAY AT HER PLACE,
16 ACCORDING TO HER, STILL NOT KNOWING THAT HE WAS
17 RESPONSIBLE FOR THE SHOOTING THAT OCCURRED AT 3420 SLAUSON
18 AVENUE. THE NEXT MORNING HE ASKED IF SHE COULD HELP HIM
19 GET A ROOM AT A MOTEL. SHE DID SO STILL, ACCORDING TO
20 HER, NOT KNOWING THAT HE WAS RESPONSIBLE FOR THE SHOOTING.

21 TWO DAYS AFTER THE SHOOTING SHE TURNED
22 HERSELF IN TO THE LOS ANGELES POLICE DEPARTMENT. SHE
23 SUBMITTED TO A FIVE-HOUR INTERVIEW. SHE ALLOWED
24 INVESTIGATORS TO SEARCH HER CAR, HER PHONE, HER HOME, HER
25 MOTHER'S HOME, AND SHE'S COOPERATED WITH THE INVESTIGATION
26 IN EVERY WAY THAT SHE'S BEEN ASKED SINCE THEN.

27 INVESTIGATORS WENT OUT AND SERVED A SEARCH
28 WARRANT ON THE TARGET'S HOME AND A RELATIVE'S HOME, BUT

1 DID NOT FIND THE GUNS THAT WERE USED IN THIS SHOOTING.

2 SO THAT ESSENTIALLY IS THE BASIC OUTLINE OF
3 THE FACTS OF WHAT HAPPENED. YOU'LL GET A LOT MORE
4 DETAILED INFORMATION FROM THE WITNESSES WHEN THEY TESTIFY.

5 A COUPLE OF THINGS I WANT YOU TO BE AWARE
6 OF. WITNESS #1 AND ANOTHER VICTIM, KERRY LATHAN, WERE
7 BOTH GIVEN USE IMMUNITY FOR THEIR TESTIMONY TODAY. USE
8 IMMUNITY IS A PROMISE FROM THE DISTRICT ATTORNEY THAT WE
9 WILL NOT SEEK TO PROSECUTE VICTIM KERRY LATHAN OR
10 WITNESS 1 FOR ANYTHING THAT THOSE WITNESSES SAY DURING
11 THEIR TESTIMONY HERE TODAY.

12 THE REASON WE GIVE USE IMMUNITY -- THERE
13 ARE TWO PRIMARY REASONS. ONE, IT ELIMINATES ANY FIFTH
14 AMENDMENT CLAIM THAT A WITNESS MIGHT HAVE. NO WITNESS HAS
15 ASSERTED THAT RIGHT UP TO THIS POINT, BUT WE GRANT IT IF
16 THERE'S ANY POSSIBILITY OF IT. AND WE ALSO GRANT IT
17 BECAUSE IT FREES THE WITNESS UP TO TELL THE TRUTH KNOWING
18 NOTHING THEY SAY HERE CAN BE USED AGAINST THEM IN A
19 PROSECUTION. SO THERE'S NO REASON FOR THEM NOT TO TELL
20 THE TRUTH.

21 ALSO, IN THE AGREEMENT IS THE PROVISION
22 THAT IF THEY LIE HERE, THEY WILL BE PROSECUTED FOR
23 PERJURY. SO THE AGREEMENT DOES NOT IMMUNIZE THEM AGAINST
24 FALSE STATEMENTS OR PERJURY BEFORE USE. IT JUST IMMUNIZES
25 THEM FROM ANY OUTSIDE PROSECUTION FROM WHAT THEY SAY HERE.

26 SO WE WILL EXPLORE WHAT BOTH OF THOSE
27 WITNESSES -- WHAT THEY SAW, WHAT THEY HEARD, WHAT THEY
28 THOUGHT, WHAT THEY FELT, AND WHAT THEY MAY HAVE TOLD

1 INVESTIGATORS ON PRIOR OCCASIONS.

2 THE REASON WE'RE CALLING WITNESS 1 "WITNESS
3 1" INSTEAD OF BY HER NAME IS OUT OF A CONCERN FOR HER
4 SAFETY. THERE HAVE BEEN A NUMBER OF THREATS THAT HAVE
5 BEEN MADE ON SOCIAL MEDIA, ON TWITTER, ON FACEBOOK, AND ON
6 INSTAGRAM AGAINST THE, QUOTE/UNQUOTE, "DRIVER." THERE ARE
7 A LOT OF PEOPLE WHO HAVE POSTED THINGS ONLINE THAT HAVE
8 ASSUMED THAT THE DRIVER WAS A PART OF THE CRIME, THAT THE
9 DRIVER HAD THE KNOWLEDGE AND INTENT AND WAS A
10 CO-PARTICIPANT IN THE CRIME.

11 THE DRIVER HAS NOT BEEN CHARGED WITH ANY
12 CRIME, BUT OUT OF A CONCERN THAT IF HER TRUE IDENTITY WERE
13 KNOWN SHE WOULD BE SUBJECT TO ALL KINDS OF THREATS,
14 HARASSMENT, MAYBE EVEN VIOLENCE, WE HAVE DECIDED TO CALL
15 HER "WITNESS 1" HERE. WE OBVIOUSLY KNOW WHO SHE IS. AND
16 IF THIS CASE GOES BEYOND THIS PROCESS, THE DEFENSE WILL BE
17 GIVEN HER FULL NAME AND ALL THE OTHER IDENTIFYING
18 INFORMATION THEY NEED TO CONDUCT THEIR OWN INVESTIGATION,
19 IF THEY CHOOSE TO.

20 YOU'RE GONNA SEE SOME VIDEO AND YOU'RE
21 GONNA SEE SOME VIDEO OVER AND OVER AGAIN BECAUSE DIFFERENT
22 WITNESSES HAVE DIFFERENT PERSPECTIVES AND CAN SHED LIGHT
23 ON THE VIDEO IN DIFFERENT WAYS.

24 A VIDEO WAS TAKEN -- THIS IS THE SHOPPING
25 CENTER AT 3420 SLAUSON. THIS IS WHERE -- LET'S SEE IF I
26 CAN -- SO THIS IS WHERE THE SHOOTING OCCURRED. MOST OF
27 WHAT YOU'RE GONNA BE FOCUSED ON HAPPENED HERE IN THIS AREA
28 NEAR THE ENTRANCE TO THE MARATHON STORE WHICH IS LOCATED

1 HERE.

2 ESSENTIALLY, WHAT THE EVIDENCE WILL SHOW IS
3 THAT MR. ASGHEDOM ARRIVED, PARKED HIS CAR IN THIS AREA IN
4 FRONT OF WHAT WILL BE A FISH RESTAURANT. HE GOT OUT OF
5 THE CAR AND HE SPENT ALL OF HIS TIME IN THIS AREA RIGHT
6 NEAR THE ENTRANCE TO HIS STORE.

7 A FEW MINUTES AFTER HE GOT OUT OF THE CAR
8 WITNESS 1 AND HOLDER ARRIVED OFF OF SLAUSON, PULLED INTO A
9 VERY CROWDED PARKING LOT. THE DRIVER STOPPED HERE.
10 HOLDER GOT OUT AND WENT INTO THIS RESTAURANT CALLED
11 "MASTER BURGER" TO GET SOME FOOD AND WITNESS 1 SAYS THAT
12 WAS THE REASON THEY WENT TO THIS AREA IN THE FIRST PLACE.
13 HE TOLD HER, "HEY, I WANT TO GET SOMETHING TO EAT. PULL
14 IN HERE." WHEN SHE PULLED IN, SHE IMMEDIATELY SAW NIPSEY
15 AND SHE RECOGNIZED HIM. SHE DIDN'T KNOW HIM PERSONALLY,
16 BUT SHE WAS A FAN AND SHE RECOGNIZED HIM AND SHE SAID OUT
17 LOUD, "HEY, THERE GOES NIPSEY."

18 HOLDER HAD NO RESPONSE WHEN SHE SAID THAT.
19 HE DIDN'T SAY, "OH, I KNOW HIM" OR ANYTHING LIKE THAT,
20 GAVE NO INDICATION THAT HE HAD ANY IDEA WHO HE WAS.

21 AFTER HOLDER ORDERED FOOD, HE WALKED
22 DIRECTLY FROM THE MASTER BURGER OVER TO THE GROUP OF MEN
23 WHERE MR. ASGHEDOM WAS AND HE ENGAGED IN A CONVERSATION
24 THERE. WE HAVE A PERSON HERE TODAY WHO WAS THERE DURING
25 THAT ENTIRE CONVERSATION AND WILL RELATE TO YOU WHAT HE
26 HEARD BEING SAID.

27 WITNESS 1 SAW HOLDER WALK OVER TO THIS
28 GROUP AND SHE THOUGHT, "OH, WELL, IF HE'S GOING OVER TO

1 TAKE A PICTURE," THINKING THAT'S WHY HE WENT THERE, SHE
2 THOUGHT, "WELL, I WANT TO GET A PICTURE WITH HIM, TOO."
3 SO SHE GOT OUT OF HER CAR, WALKED OVER TO THE GROUP, AND
4 ASKED IF SHE COULD TAKE A PICTURE WITH NIPSEY HUSSLE.

5 WHILE SHE WAS STANDING THERE, SHE HEARD A
6 FRAGMENT OF THE CONVERSATION AND SHE HEARD HOLDER CALLING
7 HUSSLE "CUZ." SHE KEPT HEARING HIM REFER TO HIM AS "CUZ,"
8 WHICH IS A COMMON WAY THAT ROLLIN 60'S TALK TO EACH OTHER.
9 "COUSIN." IT'S SHORT FOR "COUSIN." SHE ALSO SAID SHE
10 HEARD HOLDER SAY SOMETHING ABOUT SNITCHING. SHE HEARD HIM
11 SAY TO NIPSEY SOMETHING TO THE EFFECT OF "SO YOU'VE NEVER
12 SNITCHED?" OR "HAVEN'T YOU SNITCHED?"

13 SHE SAID SHE DIDN'T KNOW WHAT THE
14 CONVERSATION WAS ABOUT. SHE JUST WANTED A PICTURE.
15 NIPSEY HUSSLE PAUSED THE CONVERSATION, TOOK A PICTURE WITH
16 HER. SO WITNESS #1 DROPS DOWN IN THAT FAMILIAR SELFIE
17 POSE AND TAKES A PICTURE. SHE WAS EXCITED. SHE RAN BACK
18 TO HER CAR. SHE SAT IN THE CAR WHILE HOLDER REMAINED IN
19 THE GROUP. WHILE SITTING IN HER CAR, SHE IMMEDIATELY
20 POSTS THAT PICTURE ON SOCIAL MEDIA, "LOOK AT ME, I'M WITH
21 NIPSEY HUSSLE." SHE WAS HAPPY. SHE WAS EXCITED.

22 MEANWHILE, HOLDER AND NIPSEY HUSSLE ENGAGE
23 IN WHAT LOOKS LIKE, YOU KNOW, A SERIOUS CONVERSATION.
24 OBVIOUSLY, THERE'S NO SOUND TO THE VIDEO, BUT IT LOOKS
25 INTENT. OR INTENSE, I SHOULD SAY.

26 AFTER THAT CONVERSATION, HOLDER WALKS BACK
27 TO THE BURGER RESTAURANT. HE THEN WALKS OUT TO THE CAR
28 WHERE WITNESS 1 IS. HE GETS MONEY 'CAUSE HE DOESN'T HAVE

1 ENOUGH MONEY TO PAY FOR HIS FOOD. HE THEN GOES BACK IN.
2 HE GETS FOOD AND THEN HE WALKS BACK TO THE GROUP ANOTHER
3 TIME. HE SHAKES A COUPLE HANDS, GETS IN THE CAR, AND THEY
4 LEAVE, AND THEY LEAVE OUT OF THIS LOT AND THEY DRIVE
5 AROUND THIS CORNER. AND THEY DRIVE -- ACCORDING TO
6 WITNESS 1, HOLDER WANTS TO GO AROUND THE BLOCK. SO SHE
7 DRIVES AROUND THE BLOCK. THEY PASS AGAIN. THIS TIME THEY
8 PULL INTO THIS GAS STATION AND AROUND TO WHERE THERE'S A
9 MASTER BURGER RESTAURANT WHERE HE SAYS HE WANTS TO EAT HIS
10 FOOD. SO HE HAD ORDERED SOME CHILI FRIES FROM THE
11 RESTAURANT.

12 SHE SAID AT THAT POINT SHE STOPPED. HE
13 STARTED EATING HIS FOOD. SHE LET HIM -- HE PUT ON HIS
14 SHIRT AND SHE HAD SEEN A GUN FOR THE FIRST TIME. WHEN
15 THEY WERE DRIVING AROUND THE BLOCK, HE PULLED OUT A GUN.
16 HE STARTED MANIPULATING THE GUN. AND IT'S A GUN SHE HAD
17 SEEN HIM WITH BEFORE. SHE KNEW HIM FOR ABOUT A MONTH.
18 SHE MET HIM BACK IN FEBRUARY OF 2019, FEBRUARY 25TH, I
19 BELIEVE, AND THEY STARTED THIS SORT OF -- I DON'T KNOW,
20 MODERN DATING RELATIONSHIP WHERE -- THEY WERE HANGING OUT
21 I GUESS, YOU KNOW. THEY SAW EACH OTHER, ACCORDING TO HER,
22 LIKE EVERY OTHER DAY. SHE WOULDN'T CALL HIM HER
23 BOYFRIEND. HE WOULDN'T CALL HER HIS GIRLFRIEND. BUT IT
24 SOUNDS LIKE IT WAS A DATING RELATIONSHIP. THEY HAD SEX AT
25 LEAST ONE TIME DURING THIS RELATIONSHIP, BUT IT DIDN'T
26 SOUND LIKE IT WAS A LONG RELATIONSHIP OR AN EXTENSIVE
27 RELATIONSHIP.

28 BUT DURING THAT TIME PERIOD SHE HAD SEEN

1 HIM WITH MULTIPLE GUNS. HE CLAIMED HE NEEDED THEM FOR
2 PROTECTION. SHE OBVIOUSLY HAD AN OPPORTUNITY TO SEE HIS
3 BODY, PARTICULARLY HIS UPPER BODY, WHICH IS COVERED IN
4 TATTOOS, INCLUDING ROLLIN 60'S GANG TATTOOS WHICH SHE
5 WOULD HAVE HAD AN OPPORTUNITY TO SEE. BUT ACCORDING TO
6 HER, SHE DIDN'T KNOW MUCH ABOUT GANGS, SHE DIDN'T KNOW
7 MUCH ABOUT THE ROLLIN 60'S, DIDN'T KNOW MUCH ABOUT THIS
8 AREA OF LOS ANGELES AS SHE IS NOT FROM HERE. SHE IS A
9 30-SOMETHING-YEAR-OLD WOMAN. SHE HAS NO CRIMINAL HISTORY
10 WHATSOEVER. SHE IS GAINFULLY EMPLOYED. SHE HAS SOME
11 COLLEGE. SHE HAS NO KNOWN GANG ASSOCIATIONS OR TIES. SO
12 THAT'S WHO WITNESS #1 IS.

13 SO SHE SAID AFTER SHE STOPPED TO LET HIM
14 EAT HIS FOOD HE PUT ON A SHIRT AND HE WALKED AWAY. HE
15 SAID, "DON'T MOVE, I'LL BE RIGHT BACK." ACCORDING TO HER,
16 SHE DIDN'T KNOW WHERE HE WAS GOING OR WHAT HE WAS GOING TO
17 DO. HE WALKED OFF IN THE DIRECTION BACK THROUGH THIS
18 ALLEY TOWARD THE PARKING LOT, AND FROM WHERE SHE WAS SHE
19 COULD NOT SEE INTO THE PARKING LOT. BUT SHE SAW HIM WALK
20 DOWN THIS ALLEY. SHE SAW HIM PLACE HIS FOOD CONTAINER ON
21 THE TOP -- ON THE HOOD OF A CAR AND CONTINUED WALKING.

22 A FEW MOMENTS LATER SHE HEARD GUNSHOTS.
23 SHE HEARD TWO SHOTS. AFTER HEARING TWO SHOTS, SHE SAW
24 PEOPLE RUNNING. HOLDER HAD IN THAT TIME PERIOD WALKED
25 OVER BETWEEN TWO PARKED CARS IN FRONT OF THE STORE -- IN
26 BETWEEN THESE TWO CARS WAS MR. ASGHEDOM. HE WAS TALKING
27 TO MR. LATHAN. IMMEDIATELY BEHIND THEM WAS SHERMI
28 VILLANUEVA AND ANOTHER GENTLEMAN WHO WILL BE CALLED

1 RIMPAU. -- WHEN HE OPENED FIRE, FIRED MULTIPLE SHOTS.
2 MR. ASGHEDOM AND MR. LATHAN IMMEDIATELY BOTH FELL TO THE
3 GROUND. MR. VILLANUEVA WAS STRUCK IN THE ABDOMEN, BUT
4 MANAGED TO GET AWAY FROM THE GUNFIRE.

5 MR. HOLDER WAS FIRING WITH TWO DIFFERENT
6 HANDGUNS TRADING BETWEEN HIS RIGHT HAND AND HIS LEFT HAND
7 AND THEN HE MADE HIS WAY OUT OF THE ALLEY BACK TO THE CAR
8 WHICH THEN TOOK OFF.

9 AS I SAID, THIS WAS ALL CAPTURED BY SEVERAL
10 CAMERAS THAT WILL BE DISCUSSED. KEEP IN MIND THAT THE
11 TIMES ON THE CAMERAS ARE NOT ACCURATE. CAMERA 6, FOR
12 EXAMPLE, WILL BE 67 MINUTES OFF. SO I'LL BE REFERRING TO
13 THE TIMES IMPRINTED ON THE CAMERA, BUT THAT TIME WON'T BE
14 THE ACTUAL TIME OF EVENTS. AND WE'LL HAVE WITNESSES COME
15 IN TO TESTIFY WHETHER THE CAMERAS WERE FASTER OR SLOWER.
16 AND THE CAMERA FROM 58TH PLACE.

17 SO THAT'S IT. WE'RE READY TO GET STARTED
18 IF YOU ARE. I THANK YOU FOR YOUR TIME AND YOUR ATTENTION.

19 AT THE END, WE'RE GOING TO ASK YOU TO
20 CONSIDER SIX CRIMINAL COUNTS, ONE COUNT OF MURDER, TWO
21 COUNTS OF ATTEMPTED MURDER, TWO LESSER-RELATED COUNTS OF
22 ASSAULT WITH A FIREARM. THOSE TWO COUNTS ARE RELATED TO
23 THE TWO ATTEMPTED MURDERS, AND I'LL EXPLAIN THAT MORE WHEN
24 WE GET TO THE CLOSING STATEMENT OF WHY WE DID THAT AND
25 WHAT WE'RE ASKING YOU TO FIND THERE. AND THEN ONE COUNT
26 OF FELON IN POSSESSION OF A FIREARM.

27 THANK YOU.

28 MS. AENLLE-ROCHA: THANK YOU.

1 THE GRAND JURORS ARE ADMONISHED AND ADVISED
2 THAT THE FOREPERSON'S STATEMENT AS WELL AS THE OPENING
3 STATEMENT BY MR. MC KINNEY ARE NOT EVIDENCE AND ARE NOT TO
4 BE CONSIDERED AS EVIDENCE.

5 AND, MR. MC KINNEY, AT THIS TIME WOULD YOU
6 REQUEST OF THE FOREPERSON THAT YOUR EXHIBITS 1 THROUGH
7 42 [SIC] BE MARKED.

8 MR. MC KINNEY: YES.

9 MS. AENLLE-ROCHA: MADAM FOREPERSON, SO MARKED?

10 THE FOREPERSON: SO MARKED.

11 MS. AENLLE-ROCHA: THANK YOU.

12

13 (MARKED FOR IDENTIFICATION: = EXHIBITS 1
14 THROUGH 41.)

15

16 MS. AENLLE-ROCHA: YOUR FIRST WITNESS?

17 MR. MC KINNEY: THE PEOPLE CALL MR. ALEJANDRO
18 GUERRERO.

19 MS. AENLLE-ROCHA: AND, MR. SERGEANT-AT-ARMS, IF
20 YOU WOULD PLEASE CALL FOR MR. ALEJANDRO GUERRERO.

21

22 (THE WITNESS ENTERED THE GRAND JURY
23 HEARING ROOM.)

24

25 MS. AENLLE-ROCHA: SIR, IF YOU'LL STAND NEXT TO
26 THAT FLAG. YOU'RE GONNA RAISE YOUR RIGHT HAND AND YOU'RE
27 GONNA FACE THE FOREPERSON RIGHT THERE AND SHE'S GOING TO
28 SWEAR YOU IN.

1 ALEJANDRO GUERRERO,
2 CALLED AS A WITNESS BEFORE THE GRAND JURY
3 OF THE COUNTY OF LOS ANGELES, WAS SWORN
4 AND TESTIFIED AS FOLLOWS:
5

6 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
7 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
8 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
9 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
10 YOU GOD?

11 THE WITNESS: YES, I DO.

12 MS. AENLLE-ROCHA: THANK YOU SO MUCH. GO AHEAD AND
13 TAKE THAT SEAT.

14 GOOD MORNING.

15 THE WITNESS: GOOD MORNING.

16 MS. AENLLE-ROCHA: CAN YOU ADJUST THAT MICROPHONE?

17 YOU CAN PULL IT TOWARDS YOU SO YOU CAN
18 SPEAK DIRECTLY INTO THE MICROPHONE.

19 OKAY. DID YOU LEAVE YOUR CELL PHONE
20 OUTSIDE?

21 THE WITNESS: YES.

22 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
23 DEVICES ON YOU?

24 THE WITNESS: NO.

25 MS. AENLLE-ROCHA: PLEASE TELL US YOUR FULL NAME
26 AND THEN SPELL YOUR FULL NAME FOR THE RECORD.

27 THE WITNESS: MY FULL NAME'S ALEJANDRO GUERRERO.
28 ALEJANDRO IS SPELLED A-L-E-J-A-N-D-R-O, GUERRERO, IT'S

1 G-U-E-R-R-E-R-O.

2 MS. AENLLE-ROCHA: THANK YOU.

3 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
4 MR. MC KINNEY PROCEED?

5 THE FOREPERSON: YES.

6

7

8

EXAMINATION

9

10 BY MR. MC KINNEY:

11 Q GOOD MORNING.

12 A GOOD MORNING, SIR.

13 Q PLEASE TELL US YOUR OCCUPATION.

14 A GOOD MORNING. POLICE OFFICER FOR THE
15 LOS ANGELES POLICE DEPARTMENT.

16 Q HOW LONG HAVE YOU BEEN A PEACE OFFICER?

17 A I'VE BEEN A POLICE OFFICER APPROXIMATELY
18 FIVE YEARS.

19 Q WHAT WAS YOUR ASSIGNMENT ON MARCH 31ST,
20 2019?

21 A I WAS WORKING 77TH DIVISION PATROL.

22 Q WERE YOU WORKING ALONE OR WITH SOMEONE?

23 A I WAS WORKING WITH SOMEBODY, MY PARTNER,
24 OFFICER YEPEZ.

25 Q WERE YOU THE DRIVER OR PASSENGER OFFICER?

26 A I WAS A DRIVER OFFICER.

27 MS. AENLLE-ROCHA: CAN YOU SPELL YOUR PARTNER'S
28 NAME, PLEASE?

1 THE WITNESS: IT'S YEPEZ SPELLED Y-E-P-E-Z.

2 MS. AENLLE-ROCHA: FIRST NAME?

3 THE WITNESS: IT'S REYNALDO. IT'S R-E-Y-N-A-L-D-O.

4 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

5 GO AHEAD.

6 BY MR. MC KINNEY:

7 Q DID YOU AND YOUR PARTNER GO TO THE AREA OF
8 3420 SLAUSON AVENUE?

9 A YES.

10 Q APPROXIMATELY WHAT TIME DID YOU GO TO THAT
11 AREA ON THAT DAY?

12 A WE RECEIVED A RADIO CALL OF A SHOOTING. IT
13 WAS APPROXIMATELY AT 1520 HOURS.

14 Q 1520 IS WHAT TIME?

15 A 3:20 IN THE AFTERNOON.

16 Q WHY DID -- OKAY. YOU WENT TO THAT AREA
17 BECAUSE YOU GOT A CALL OF A SHOOTING?

18 A YES, SIR.

19 Q LOOKING -- CALLING YOUR ATTENTION TO GRAND
20 JURY EXHIBIT NUMBER 4 --

21 MS. AENLLE-ROCHA: AND, MADAM FOREPERSON, IF YOU
22 COULD PLEASE RAISE THE MONITOR FOR THE WITNESS.

23 PERFECT.

24 BY MR. MC KINNEY:

25 Q DO YOU RECOGNIZE THE AREA SHOWN ON THIS
26 EXHIBIT?

27 A YES, SIR.

28 Q HOW DO YOU RECOGNIZE IT?

1 A THAT'S THE LOCATION WHERE THE SHOOTING
2 OCCURRED.

3 Q IS THAT THE AREA YOU WENT TO THAT
4 AFTERNOON?

5 A YES, SIR. IT'S 3420 WEST SLAUSON AVENUE.

6 Q AND TELL US WHAT YOU DID AND WHAT YOU SAW
7 WHEN YOU FIRST ARRIVED.

8 A SO WE WERE THE PRIMARY UNIT THAT RECEIVED
9 THE ADW SHOOTING CALL SO WE WERE -- I DON'T KNOW IF
10 THERE'S LIKE A --

```
11      Q      YOU WANT A POINTER?
```

12 A YEAH. CAN I GET LIKE A POINTER?

13 Q OKAY.

14 NOW, YOU DON'T HAVE TO POINT THIS AT THE
15 SCREEN.

16 A OKAY.

17 Q SO TOP BUTTON. JUST HOLD IT -- NO. THE
18 OTHER WAY.

19 A SORRY.

20 Q SO PRESS IT AND THEN YOU'LL FIGURE OUT HOW
21 TO USE IT.

22 A OKAY. SO WE WERE THE FIRST UNIT RESPONDING
23 ON SCENE. SO RIGHT THERE WHERE I'M POINTING AT, THAT'S
24 WHERE WE INITIALLY PARKED. ME AND MY PARTNER EXITED OUR
25 VEHICLES --

26 0 YOU HIT A DIFFERENT BUTTON.

27 A SORRY.

28 WE EXITED OUR VEHICLES AND WE WALKED IN

1 THAT DIRECTION. LIKE RIGHT THERE. AND WE INITIALLY SAW
2 THREE VICTIMS OF A SHOOTING. WE TRIED TO GET --

3 MS. AENLLE-ROCHA: I'M SORRY, OFFICER, IF YOU COULD
4 JUST TELL US WHAT YOU SAW.

5 THE WITNESS: OKAY.

6 MS. AENLLE-ROCHA: YOU'RE SAYING "WE," THE ROYAL
7 "WE," BUT YOU IF YOU CAN JUST TESTIFY AS TO WHAT YOU SAW.

8 THE WITNESS: OKAY. SO -- SO RIGHT THERE. I
9 EXITED MY VEHICLE. AS I WALKED IN THAT DIRECTION, I SAW
10 THREE PEOPLE THAT WERE STRUCK BY GUNSHOTS. AFTER I
11 NOTICED THAT -- THE THREE VICTIMS, WE CALLED FOR
12 PARAMEDICS TO GET THERE ON SCENE AND I ADVISED MY PARTNER
13 TO TRY TO GET WITNESS STATEMENTS AND I REQUESTED
14 ADDITIONAL UNITS PRETTY MUCH TO CLOSE DOWN THE CRIME SCENE
15 AND CLOSE TRAFFIC.

16 BY MR. MC KINNEY:

17 Q OKAY. LET ME SHOW YOU ANOTHER EXHIBIT.
18 THIS WILL BE GRAND JURY EXHIBIT NUMBER 6.

19 DO YOU RECOGNIZE THE PERSON STANDING THERE
20 IN THE PINK SHIRT?

21 THERE'S ALSO AN INSET PHOTO IDENTIFYING HIM
22 AS SHERMI VILLANUEVA. DID YOU SEE THAT PERSON THERE THAT
23 DAY?

24 A YES. HE WAS ONE OF THE VICTIMS THAT GOT
25 HIT.

26 Q IS THIS PHOTO, THE LARGER PHOTO, A PHOTO
27 FROM THE SCENE?

28 A YES, SIR.

1 Q AND LET ME SHOW YOU ANOTHER EXHIBIT. THIS
2 IS GRAND JURY EXHIBIT NUMBER 7. DO YOU RECOGNIZE WHAT'S
3 SHOWN IN THIS EXHIBIT?

4 A YES. THAT IS INITIALLY WHEN I SPOKE TO HIM
5 AND ASKED HIM IF HE HAD BEEN STRUCK.

6 Q OKAY. THAT'S THE SAME PERSON THEN FROM THE
7 PREVIOUS EXHIBIT IN --

8 A YES, SIR.

9 Q -- IN THE PINK SHIRT?

10 A YES.

11 Q NOW, MY QUESTION IS, DID YOU SEE HIM THAT
12 DAY?

13 A AT SCENE, YES.

14 Q DID YOU TALK TO HIM BRIEFLY?

15 A JUST BRIEFLY, --

16 Q AND DID HE --

17 A -- WHICH --

18 Q GO AHEAD.

19 A -- WHICH WAS -- LIKE I MENTIONED, I JUST
20 ASKED HIM IF HE HAD BEEN STRUCK BY GUNFIRE AND THAT WAS
21 IT.

22 Q OKAY. AND AFTER YOU ASKED HIM THAT
23 QUESTION DID HE SHOW YOU THESE INJURIES?

24 A YES.

25 Q OKAY. DID YOU -- DID HE MENTION ANYTHING
26 TO YOU ABOUT A BULLET OR THE BULLET THAT STRUCK HIM? DO
27 YOU RECALL?

28 A I DON'T REMEMBER.

1 Q ALL RIGHT. HOW LONG WERE YOU AT SCENE THAT
2 DAY?

3 A I WAS THERE A FEW HOURS.

4 Q DID YOU SEE ANY OTHER OBVIOUS VICTIMS?

5 A FROM THE INITIAL THREE VICTIMS THAT I SAW,
6 NOBODY ELSE.

7 Q LET ME GO BACK TO GRAND JURY EXHIBIT 4.

8 OTHER THAN THE MAN IN THE PINK SHIRT, DID
9 YOU SEE ANY OTHER PEOPLE WHO APPEARED TO BE INJURED?

10 A TWO OTHER VICTIMS.

11 Q OKAY. WHERE WERE THEY?

12 A THE MAN IN THE PINK SHIRT, HE WAS THE
13 MIDDLE ONE. SO JUST -- I WANT TO SAY JUST WEST OF HIM,
14 THE PERSON NEXT TO HIM, VICTIM NUMBER 1, HE WAS LYING ON
15 THE GROUND, AND ON THE OTHER SIDE OF THE MAN WITH THE PINK
16 SHIRT THERE WAS ANOTHER VICTIM ON THE GROUND AND HE
17 APPEARED TO BE STRUCK, TOO.

18 Q OKAY. AND WERE THEY IN THE AREA WHERE I
19 PUT THE CURSOR?

20 A YES.

21 Q DID YOU TALK TO THEM AT ALL?

22 A IT WAS JUST BRIEF. I SPOKE TO TWO OF THE
23 VICTIMS AND PRETTY MUCH JUST ASKED THEM WHERE DID HE GET
24 HIT AND JUST LETTING THEM KNOW THAT THE PARAMEDICS WERE
25 ALREADY EN ROUTE.

26 Q OKAY. YOU SAID YOU SPOKE TO TWO VICTIMS.
27 SO THAT ONE WOULD BE THE MAN IN THE PINK SHIRT, CORRECT?

28 A YES.

1 Q AND OF THE OTHER TWO DID YOU KNOW ONE OF
2 THOSE TWO INDIVIDUALS PRIOR TO THAT DAY?

3 A I RECOGNIZED HIM, --

4 Q OKAY.

5 A -- WHO HE WAS.

6 Q OF THE OTHER TWO MEN, WHICH ONE DID YOU
7 SPEAK TO?

8 A IT WAS THE ONE ON THE LEFT. I DIDN'T GET
9 HIM NAME, BUT HE WAS FACING DOWN AND HE APPEARED TO GET
10 STRUCK IN THE BACK, LIKE IN THE LOWER BACK. SO I JUST
11 ASKED HIM WHERE DID HE GET HIT AND THAT'S WHEN HE TOLD ME
12 LIKE IN THE LOWER BACK AND, LIKE I SAID, I TOLD HIM THAT
13 THE PARAMEDICS WERE EN ROUTE.

14 Q THE OTHER -- THE THIRD VICTIM, THEN, THE
15 PERSON THAT YOU HAD HEARD OF WAS NIPSEY HUSSLE, CORRECT?

16 A YES, SIR.

17 Q DID HE APPEAR TO BE THE MOST SERIOUSLY
18 INJURED?

19 A YES, SIR.

20 Q DID YOU TALK TO HIM AT ALL?

21 A FROM WHEN I GOT THERE, NO.

22 Q WHEN YOU GOT THERE, WERE THERE PEOPLE
23 AROUND HIM APPEARING TO TRY TO RESUSCITATE HIM OR PROVIDE
24 FIRST AID?

25 A YES, SIR.

26 Q ALL RIGHT. THANK YOU.

27 MR. MC KINNEY: NO FURTHER QUESTIONS.

28 MS. AENLLE-ROCHA: CAN YOU PLEASE PUT ON THE RECORD

1 WHERE YOUR CURSOR IS, MR. MC KINNEY?

2 MR. MC KINNEY: YES. THE CURSOR IS, BASED ON THE
3 LAST QUESTION, POSITIONED ABOUT TWO CAR LENGTHS FROM THE
4 FRONT DOOR OF THE MARATHON STORE TOWARD THE -- IN FRONT OF
5 WHAT'S LABELED AS THE TAX AND INSURANCE BUSINESS.

6 MS. AENLLE-ROCHA: AND IF YOU'RE COUNTING THE --
7 THERE ARE TWO ROWS OF CARS. IF YOU'RE COUNTING THE TOP
8 ROW FROM LEFT TO RIGHT, IT'S RIGHT AT THE BACK OF CAR
9 NUMBER SEVEN; IS THAT CORRECT?

10 MR. MC KINNEY: YES.

11 MS. AENLLE-ROCHA: AND, OFFICER, YOU SAID THAT YOU
12 ENTERED AND YOU SAID, "RIGHT THERE."

13 "RIGHT THERE," DID YOU MEAN THAT YOU
14 ENTERED THAT FACILITY OFF OF SLAUSON?

15 THE WITNESS: YES.

16 MS. AENLLE-ROCHA: AND --

17 THE WITNESS: SO WE ENTERED OFF SLAUSON AND WE
18 PARKED OUR VEHICLE RIGHT THERE.

19 MS. AENLLE-ROCHA: AND "RIGHT THERE" IS JUST RIGHT
20 IN THE -- AS YOU HAVE -- YOU'RE PROBABLY ABOUT TWO CAR
21 LENGTHS IN AND YOUR CURSOR INDICATING WHERE YOU WERE IS
22 NEXT TO A WHITE CAR; IS THAT CORRECT?

23 ACTUALLY, IN BETWEEN TWO WHITE COLORED
24 CARS.

25 THE WITNESS: YES, LIKE IN THE INITIAL DRIVEWAY --

26 MS. AENLLE-ROCHA: OKAY.

27 THE WITNESS: -- OF THE PARKING LOT.

28 MS. AENLLE-ROCHA: THANK YOU.

1 ANY ADDITIONAL QUESTIONS?

2 MR. MC KINNEY: NO.

3 MS. AENLLE-ROCHA: GRAND JURORS, IF YOU HAVE A
4 QUESTION FOR THIS WITNESS, PLEASE RAISE YOUR HAND SO THE
5 SERGEANT-AT-ARMS CAN COLLECT IT.

6

7 (PAUSE IN PROCEEDINGS.)

8

9 MS. AENLLE-ROCHA: THIS IS A GRAND JUROR QUESTION:
10 DID -- WHICH OF THE VICTIMS DID YOU APPROACH FIRST?

11 THE WITNESS: IT WAS NIPSEY.

12 MS. AENLLE-ROCHA: ANY ADDITIONAL QUESTIONS FROM
13 ANY GRAND JURORS?

14 OKAY. MADAM FOREPERSON, IF YOU WOULD
15 PLEASE LOWER THE MONITOR AND THEN YOU'RE GOING TO ADMONISH
16 THE WITNESS.

17 THE FOREPERSON: BEFORE YOU LEAVE, PLEASE LISTEN
18 CAREFULLY TO WHAT I AM GOING TO SAY TO YOU NOW.

19 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
20 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
21 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
22 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
23 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
24 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
25 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
26 MADE PUBLIC.

27 I WISH TO ADVISE YOU THAT A VIOLATION OF
28 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE

1 AGAINST YOU.

2 DO YOU UNDERSTAND THIS ADMONITION?

3 THE WITNESS: YES.

4 MS. AENLLE-ROCHA: THANK YOU, OFFICER. YOU'RE
5 EXCUSED.

6

7 (THE WITNESS EXITED THE GRAND JURY
8 HEARING ROOM.)

9

10 MS. AENLLE-ROCHA: YOUR NEXT WITNESS.

11 MR. MC KINNEY: THE PEOPLE CALL HERMAN DOUGLAS.

12

13 (THE WITNESS ENTERED THE GRAND JURY
14 HEARING ROOM.)

15

16 MS. AENLLE-ROCHA: SIR, I NEED YOU TO STAND NEXT TO
17 THE FLAG FIRST. IT'S OKAY. AND JUST RAISE YOUR RIGHT
18 HAND. PERFECT. AND THE FOREPERSON THERE IS GOING TO
19 SWEAR YOU IN.

20

21

22 HERMAN DOUGLAS,

23 CALLED AS A WITNESS BEFORE THE GRAND JURY
24 OF THE COUNTY OF LOS ANGELES, WAS SWORN
25 AND TESTIFIED AS FOLLOWS:

26

27 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
28 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE

1 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
2 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
3 YOU GOD?

4 THE WITNESS: YES.

5 MS. AENLLE-ROCHA: THANK YOU SO MUCH. GO AHEAD AND
6 TAKE THAT SEAT NOW.

7 THANK YOU.

8 CAN YOU ADJUST THAT MICROPHONE SO YOU CAN
9 SPEAK RIGHT INTO THE MICROPHONE?

10 THE WITNESS: MM-HMM.

11 MS. AENLLE-ROCHA: PERFECT.

12 DID YOU LEAVE YOUR CELL PHONE OUTSIDE?

13 THE WITNESS: YES.

14 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
15 DEVICES ON YOU?

16 THE WITNESS: NO.

17 MS. AENLLE-ROCHA: PLEASE TELL US YOUR FULL NAME
18 AND SPELL YOUR FULL NAME FOR US.

19 THE WITNESS: HERMAN DOUGLAS, H-E-R-M-A-N, DOUGLAS,
20 D-O-U-G-L-A-S.

21 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS.

22 I JUST WANT TO GO OVER A COUPLE OF THINGS
23 AND ALSO TELL YOU, FIRST, WE STARTED A LITTLE LATE TODAY
24 AND THIS IS SOMEWHAT OF OUR REGULAR BREAK TIME AND
25 MR. MC KINNEY AND I AT A SPECIFIC TIME NEED TO LEAVE THE
26 HEARING ROOM TO GO SPEAK WITH THE JUDGE ABOUT SOMETHING.
27 SO WE MAY HAVE TO INTERRUPT YOUR TESTIMONY VERY QUICKLY.
28 I'M NOT SURE. IT DEPENDS UPON WHEN WE HEAR FROM OUR

1 BAILIFF. SO I APOLOGIZE IN ADVANCE. OKAY?

2 THE WITNESS: OKAY.

3 MS. AENLLE-ROCHA: SO THE OTHER THINGS I NEED TO
4 TELL YOU ARE THAT IT'S VERY IMPORTANT THAT WHEN YOU ANSWER
5 A QUESTION THAT YOU GIVE US -- IF IT CALLS FOR A YES OR
6 NO, THAT YOU SAY "YES" OR "NO." IF YOU SAY "UH-HUH" OR
7 "YEAH," IT'S SOMEWHAT AMBIGUOUS AND NOT REALLY CLEAR. AND
8 IF YOU DO THAT, THEN MR. MC KINNEY OR I WILL SAY DO YOU
9 MEAN YES OR DO YOU MEAN NO. DO YOU UNDERSTAND?

10 THE WITNESS: YES.

11 MS. AENLLE-ROCHA: THE NEXT THING IS PLEASE WAIT
12 UNTIL MR. MC KINNEY COMPLETELY FINISHES WITH HIS QUESTION
13 BEFORE YOU GIVE US YOUR RESPONSE. HIS QUESTION IS
14 IMPORTANT, THAT WE GET THAT ON THE RECORD FOR YOUR ANSWER.
15 SO IF YOU CUT HIM OFF, EVEN IF WE ALL KNOW WHAT THE
16 QUESTION IS, THEN I HAVE TO GO BACK AND JUST MAKE SURE I
17 GET THAT QUESTION ON THE RECORD. ALL RIGHT?

18 THE WITNESS: OKAY.

19 MS. AENLLE-ROCHA: AND I SAY THIS TO WITNESSES
20 EVERY DAY AND THEY FORGET. SO DON'T WORRY IF I HAVE TO
21 REMIND YOU. IT'S NOT TO MAKE YOU UNCOMFORTABLE. IT'S
22 JUST TO MAKE SURE THAT THE RECORD ACCURATELY REFLECTS WHAT
23 YOU TELL US. OKAY?

24 THE WITNESS: OKAY.

25 MS. AENLLE-ROCHA: THANK YOU.

26 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
27 MR. MC KINNEY PROCEED?

28 THE FOREPERSON: YES.

1 MR. MC KINNEY: ALL RIGHT.

2
3
4 EXAMINATION

5
6 BY MR. MC KINNEY:

7 Q GOOD MORNING, SIR.

8 A GOOD MORNING.

9 Q MR. DOUGLAS, HOW OLD ARE YOU?

10 A I'M 46.

11 Q WERE YOU BORN AND RAISED IN LOS ANGELES?

12 A YES.

13 Q WHAT PART OF L.A. HAVE YOU SPENT MOST OF
14 YOUR TIME?

15 A WINDSOR HILLS AREA.

16 Q OKAY. IS THAT IN SOUTH LOS ANGELES?

17 A YES.

18 Q WHAT DO YOU DO FOR A LIVING?

19 A I DO MULTIPLE JOBS. I CLEAN THE PARKING
20 LOT. I DO INVENTORY, OVERSEE PACKAGING. I RUN THE CELL
21 PHONE SHOP. I'M JUST A -- I'M ON THE TEAM.

22 Q OKAY. AND WHEN YOU REFER TO DOING ALL
23 THOSE THINGS, DO YOU MEAN YOU DO THOSE THINGS FOR
24 BUSINESSES THAT WERE OWNED AND OPERATED BY NIPSEY --
25 ERMIAH JOSEPH ASGHEDOM OR NIPSEY HUSSLE?

26 A YES.

27 Q LET ME SHOW YOU GRAND JURY EXHIBIT 2. CAN
28 YOU SEE THAT EXHIBIT ON THE MONITOR?

1 MS. AENLLE-ROCHA: OH, MADAM FOREPERSON, IF YOU
2 WOULD RAISE THE MONITOR FOR THE WITNESS, PLEASE.

3 THE FOREPERSON: I'M SORRY.

4 MS. AENLLE-ROCHA: LITTLE BIT MORE.

5 BY MR. MC KINNEY:

6 Q OKAY. AND IS THAT A PHOTOGRAPH OF
7 ERMIAJ JOSEPH ASGHEDOM ALSO KNOWN AS NIPSEY HUSSLE?

8 A YES.

9 Q HOW LONG HAVE YOU KNOWN -- OR HOW LONG DID
10 YOU KNOW HIM BEFORE HIS PASSING?

11 A I MET HIM IN 2003.

12 Q AND IF YOU COULD, HOW WOULD YOU DESCRIBE
13 YOUR RELATIONSHIP WITH HIM OVER THE YEARS?

14 A UM, LIKE A -- JUST A GOOD FRIEND, LIKE A
15 SON. LIKE A SON. LIKE A DAD, YOU KNOW, JUST OVERALL --
16 ALL-AROUND FRIENDS, GOOD FRIEND OF MINE.

17 Q OKAY. I'M SORRY. DID YOU SAY WHAT YEAR
18 YOU MET HIM?

19 A 2003.

20 Q OKAY. AND WHAT WAS HIS CONNECTION TO THE
21 AREA AT 3420 SLAUSON?

22 LET ME SHOW PEOPLE -- GRAND JURY EXHIBIT
23 NUMBER 4, THIS AREA. THIS AREA, THE AREA THAT YOU
24 REFERRED TO WHEN YOU SAID, "I WORK IN THE PARKING LOT, I
25 DO INVENTORY," YOU'RE TALKING ABOUT THIS AREA, CORRECT?

26 A YES.

27 Q WHAT IS THIS AREA?

28 A IT'S A SHOPPING CENTER. IT'S A SHOPPING

1 CENTER ON SLAUSON AND CRENSHAW.

2 Q OKAY. AND LOOKING AT THIS EXHIBIT, THERE'S
3 A STRIP MALL WITH CERTAIN BUSINESSES LABELED "MASTER
4 BURGER," "TAX/INSURANCE," "T-MOBILE," "FISH," "BARBER."
5 DID THE ASGHEDOM FAMILY OWN AND OPERATE THAT LOCATION?

6 A YES.

7 Q NOW, DID THEY OWN AND OPERATE ALL OF THE
8 BUSINESSES THERE OR JUST SOME OF THEM?

9 A WE OWNED MOST -- THEY OPERATE MOST OF THEM.
10 TWO BUSINESSES PAY RENT. THE MASTER BURGERS AND THE TAX
11 PLACE PAY RENT.

12 MS. AENLLE-ROCHA: WE NEED TO TAKE THAT BREAK NOW.
13 I'M SO SORRY TO INTERRUPT YOUR TESTIMONY,
14 BUT WE'LL GET YOU RIGHT BACK ON THE STAND AS SOON AS WE
15 CAN.

16 SO SINCE MR. DOUGLAS IS LEAVING, MADAM
17 FOREPERSON, EVEN THOUGH HE'S GOING TO COME BACK, WE DO
18 NEED TO GIVE HIM THE ADMONITION.

19 SO IF YOU WOULD LOWER THE MONITOR AND THEN
20 GIVE HIM THE FULL ADMONITION.

21 THE FOREPERSON: BEFORE YOU LEAVE, PLEASE LISTEN
22 CAREFULLY TO WHAT I AM GOING TO SAY TO YOU NOW.

23 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
24 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
25 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
26 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
27 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
28 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH

1 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
2 MADE PUBLIC.

3 I WISH TO ADVISE YOU THAT A VIOLATION OF
4 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
5 AGAINST YOU.

6 DO YOU UNDERSTAND THIS ADMONITION?

7 THE WITNESS: YES.

8 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS.

9 I HOPE THIS IS JUST GONNA BE ABOUT 15
10 MINUTES OR SO. SO WE'RE GONNA TAKE A 15-MINUTE BREAK AND
11 THEN HOPEFULLY COME BACK AND PUT YOU BACK ON AND HOPEFULLY
12 FINISH BEFORE LUNCH. ALL RIGHT?

13 THE WITNESS: YES.

14 MS. AENLLE-ROCHA: THANK YOU SO MUCH. YOU'RE
15 EXCUSED. AND THE SERGEANT-AT-ARMS WILL ESCORT YOU FROM
16 THE HEARING ROOM.

17
18 (THE WITNESS EXITED THE GRAND JURY
19 HEARING ROOM.)
20

21 MS. AENLLE-ROCHA: OKAY. MADAM FOREPERSON, WOULD
22 YOU PLEASE RECESS THIS HEARING AND ORDER THE GRAND JURORS
23 TO RETURN AT -- LET'S JUST SAY AT ELEVEN O'CLOCK. THAT'S
24 20 MINUTES. BECAUSE MR. MC KINNEY AND I AND PERHAPS EVEN
25 THE COURT REPORTER NEED TO GO TO DEPARTMENT 100.

26 SO LET'S RECESS UNTIL ELEVEN O'CLOCK.

27 SO ORDERED?

28 THE FOREPERSON: SO ORDERED.

1 MS. AENLLE-ROCHA: THANK YOU.

2 GRAND JURORS ARE ADMONISHED AND ADVISED NOT
3 TO DISCUSS THIS MATTER OR FORM ANY OPINION UNTIL SUCH TIME
4 AS IT IS GIVEN TO YOU FOR DELIBERATIONS.

5 THANK YOU.

6 WE ARE IN RECESS.

7 PLEASE ESCORT THE D.A. FROM THE HEARING
8 ROOM, MR. SERGEANT-AT-ARMS.

9
10 (DEPUTY DISTRICT ATTORNEY MC KINNEY
11 EXITED THE GRAND JURY HEARING ROOM.)

12
13 (RECESS.)

14
15 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
16 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER.
17 SO ORDERED?

18 THE FOREPERSON: SO ORDERED.

19 MS. AENLLE-ROCHA: THANK YOU.

20 PLEASE LET THE RECORD REFLECT THAT THE SAME
21 NUMBER AS WELL AS THE SAME GRAND JURORS PRESENT AT
22 MORNING'S ROLL CALL ARE PRESENT EXCEPT FOR THE JUROR WHO
23 WAS EXCUSED. SO WE HAVE 23 JURORS. ALSO PRESENT IS
24 DEPUTY DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE
25 GRAND JURY LEGAL ADVISOR.

26 AND, MR. SERGEANT-AT-ARMS, LET'S GO AHEAD
27 AND RECALL MR. DOUGLAS. SO CALL FOR MR. DOUGLAS.

28 //

1 (THE WITNESS ENTERED THE GRAND JURY
2 HEARING ROOM.)
3

4 MS. AENLLE-ROCHA: WELCOME BACK, MR. DOUGLAS. GO
5 AHEAD AND TAKE THAT SEAT.

6 AND ADJUST THAT MICROPHONE.

7 THE WITNESS: OKAY.

8 MS. AENLLE-ROCHA: AND I HAVE TO ASK YOU -- HELLO.
9 OKAY.

10 I HAVE TO ASK YOU AGAIN IF YOU LEFT YOUR
11 CELL PHONE OUTSIDE.

12 THE WITNESS: YES.

13 MS. AENLLE-ROCHA: AND YOU HAVE NO RECORDING
14 DEVICES ON YOU?

15 THE WITNESS: NO.

16 MS. AENLLE-ROCHA: THAT WAS A DOUBLE NEGATIVE. SO
17 YOU HAVE -- YOU DO NOT HAVE ANY RECORDING DEVICES,
18 CORRECT?

19 THE WITNESS: YES.

20 MS. AENLLE-ROCHA: OKAY. ALL RIGHT.

21 SO, MADAM FOREPERSON, WE DO NEED TO REMIND
22 THE WITNESS OF THE OATH, BUT THERE'S A SHORT VERSION,
23 YES, BECAUSE THE WITNESS HAS PREVIOUSLY BEEN SWORN. AND
24 THE SHORT VERSION IS SECTION NUMBER 13, PAGE 8.

25 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE BEEN
26 PREVIOUSLY SWORN IN AND ARE STILL UNDER OATH. PLEASE
27 RESTATE YOUR NAME.

28 THE WITNESS: HERMAN DOUGLAS.

1 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS.

2 AND, MADAM FOREPERSON, WITH YOUR
3 PERMISSION, MAY MR. MC KINNEY PROCEED?

4 THE FOREPERSON: YES.

5 MS. AENLLE-ROCHA: THANK YOU.

6 GO AHEAD.

7 BY MR. MC KINNEY:

8 Q ALL RIGHT. MR. DOUGLAS, BEFORE THE
9 BREAK --

10 MR. MC KINNEY: CAN YOU LIFT HIS MONITOR, PLEASE?

11 MS. AENLLE-ROCHA: OH, MADAM FOREPERSON, THE
12 MONITOR FOR THE WITNESS.

13 NOT A PROBLEM. LITTLE BIT MORE. LITTLE
14 BIT MORE.

15 TOO MUCH, MR. DOUGLAS.

16 THERE WE GO. OKAY.

17 AND, MR. DOUGLAS, IF THAT FALLS, JUST PULL
18 IT BACK UP. OKAY?

19 THE WITNESS: ALL RIGHT.

20 MS. AENLLE-ROCHA: OKAY.

21 GO AHEAD.

22 BY MR. MC KINNEY:

23 Q OKAY. BEFORE THE BREAK, I HAD ASKED YOU
24 ABOUT NIPSEY -- I'LL CALL HIM NIPSEY BECAUSE THAT'S WHAT
25 YOU CALLED HIM, RIGHT?

26 A YES.

27 Q -- NIPSEY'S CONNECTION TO THIS AREA AND YOU
28 SAID THAT THE FAMILY OWNED THIS ENTIRE PLAZA AND OPERATED

1 THE BARBER SHOP, WHAT WAS GONNA BE THE FISH RESTAURANT,
2 THE T-MOBILE STORE, AND THE MARATHON CLOTHING STORE,
3 CORRECT?

4 A YES.

5 Q AND THEN THEY LEASED OUT THE BUSINESS, THE
6 SPACE FOR THE MASTER BURGER AND THE TAX AND INSURANCE
7 BUSINESS, CORRECT?

8 A WE HAVE THE INSURANCE COMPANY, TOO.

9 Q OKAY.

10 A THAT'S ALL STORAGE.

11 Q OKAY.

12 MS. AENLLE-ROCHA: AND JUST SO THE RECORD'S CLEAR,
13 YOU'RE REFERRING TO GRAND JURY EXHIBIT NUMBER 4.

14 GO AHEAD.

15 BY MR. MC KINNEY:

16 Q HOW OFTEN DID NIPSEY VISIT THIS AREA, LET'S
17 SAY IN THE YEAR BEFORE HIS DEATH?

18 HOW OFTEN WOULD HE COME BY THIS LOCATION?

19 A IF HE WAS IN TOWN, I WOULD SEE HIM JUST
20 ABOUT -- MAYBE EVERY MORNING HE WOULD ROLL UP, LIKE MAYBE
21 HE'D CATCH ME OUT THERE MAYBE 8:30 IN THE MORNING, 7:30,
22 OR I WOULD SEE HIM GOING DOWN SLAUSON TO DROP HIS DAUGHTER
23 OFF. IF HE WAS IN TOWN AND HE WASN'T ON A SHOW, HE WOULD
24 SHOW UP JUST ABOUT EVERY DAY, EVERY OTHER DAY.

25 Q OKAY. IN --

26 A IN THE MORNING TIMES.

27 Q IN THE YEAR BEFORE HIS DEATH GIVE US A
28 SENSE OF HOW OFTEN THAT WAS.

1 A I WOULD SAY THREE, FOUR TIMES A WEEK IF
2 HE'S IN TOWN.

3 Q IF HE WAS IN TOWN?

4 A YEAH.

5 Q HOW OFTEN -- WERE THERE SOME MONTHS WHEN HE
6 WOULDN'T COME AT ALL?

7 A NO.

8 Q OKAY. SO --

9 A IF HE HAD A BUSY WORK SCHEDULE OR WHATEVER
10 IT MAY BE, IF HE WAS IN TOWN, HE WAS DEFINITELY COMING BY
11 THE SHOP.

12 Q SO IS IT FAIR TO SAY THAT HE VISITED THIS
13 AREA AT LEAST ONCE EVERY MONTH IN THE YEAR PRIOR TO HIS
14 DEATH?

15 A YES.

16 Q AND IT WOULD VARY DEPENDING ON WHAT HIS
17 SCHEDULE WAS WHETHER HE WOULD BE THERE A COUPLE TIMES A
18 WEEK OR MAYBE SOME WEEKS NOT AT ALL?

19 A YES.

20 Q WHEN HE VISITED THIS LOCATION, WERE THEY
21 PUBLIC APPEARANCES, WERE THEY ANNOUNCED VISITS, OR WOULD
22 HE JUST STOP BY AND JUST WORK THE BUSINESSES?

23 A HE WOULD JUST STOP BY.

24 Q WHEN HE WAS THERE, GENERALLY SPEAKING, WHAT
25 WOULD HE DO?

26 A NORMALLY, HE WOULD ROLL UP AND HE'D JUST BE
27 IN HIS CAR MOST OF THE TIME TEXTING OR WHATEVER. HE WOULD
28 GET OUT -- HE WOULD GET OUT THE CAR OCCASIONALLY AND TALK

1 TO PEOPLE. BUT MOST OF THE TIME HE WOULD ROLL UP AND
2 BASICALLY SIT IN HIS CAR, YOU KNOW. IF HE HAD AN
3 APPEARANCE OR IF IT WAS A PUBLIC EVENT, THEN WE WOULD ALL
4 KNOW. SO HE NORMALLY WOULD JUST ROLL UP ON HIS OWN.

5 Q WHEN HE VISITED ON PRIOR OCCASIONS, THAT'S
6 PRIOR TO MARCH 31ST, WOULD HE TYPICALLY ARRIVE THERE ALONE
7 OR WITH SECURITY?

8 A ALWAYS BY HISSELF. HE WOULD ALWAYS -- ONLY
9 TIME HE EVER REALLY HAD SECURITY IS WHEN HE WAS ON THE
10 ROAD OR ON TOUR. AS FAR AS BEING IN THE INNER CITY OR
11 COMING TO THE JOB, HE NEVER HAD SECURITY EVER.

12 Q WERE YOU EXPECTING TO SEE HIM ON
13 MARCH 31ST?

14 A NO.

15 Q WHEN DID YOU FIRST BECOME AWARE THAT HE WAS
16 AT THE LOCATION THAT DAY?

17 A JUST THAT DAY I WAS DOING MY NORMAL ROUNDS
18 OR WHATEVER IT MAY BE AND -- AND LOOKED OUT AND HE PULLED
19 UP IN THE PARKING LOT.

20 Q APPROXIMATELY WHAT TIME DID HE GET THERE?

21 A YOU KNOW, I HAVE NO IDEA, BUT IT HAD TO BE
22 AROUND LUNCHTIME BECAUSE I HAD JUST ORDERED MY LUNCH.
23 SO -- I NORMALLY TAKE A LUNCH -- I NORMALLY TAKE A LUNCH
24 AROUND 1:00, SO -- I'M NOT REALLY SURE OF THE EXACT TIME,
25 THOUGH.

26 Q AND IF YOU COULD TELL US, WAS THERE
27 ANYTHING DISTINCTIVE ABOUT THE WAY HE WAS DRESSED THAT
28 DAY?

1 A NIPSEY?

2 Q YES.

3 A DISTINCTIVE? I REMEMBER HE HAD ON SOME
4 SHORTS.

5 Q DO YOU RECALL WHETHER HE HAD ANYTHING ON
6 HIS HEAD?

7 A OH, YEAH, THE DO-RAG ON HIS HEAD.

8 Q WHAT COLOR WAS THE DO-RAG?

9 A I'M NOT SURE. I CAN'T RECALL OFFHAND.

10 Q ALL RIGHT. LET ME SHOW YOU --

11 A I WANT TO SAY BLUE. I'M NOT SURE.

12 Q I'M GONNA SHOW YOU A PART OF A VIDEO FROM
13 GRAND JURY EXHIBIT NUMBER 11.

14 MS. AENLLE-ROCHA: BEFORE YOU DO THAT, MR. DOUGLAS,
15 CAN YOU EXPLAIN TO THE GRAND JURORS WHO MAY NOT KNOW WHAT
16 A DO-RAG IS?

17 THE WITNESS: IT'S LIKE A WAVE CAP TO KEEP YOUR
18 HAIR -- IT'S A WAVE CAP, SOMETHING TO KEEP YOUR HAIR --
19 WHEN YOU GET IT BRAIDED, SOMETHING TO PUT ON YOUR HEAD SO
20 IT WON'T FRIZZ UP.

21 MS. AENLLE-ROCHA: THANK YOU.

22 BY MR. MC KINNEY:

23 Q ALL RIGHT. GRAND JURY EXHIBIT NUMBER 11
24 HAS VIDEO FROM THREE DIFFERENT CAMERAS. THIS WILL BE CAM
25 NUMBER 6. AND THIS PARTICULAR CLIP HAS A DATE AND TIME
26 STAMP AT THE TOP LEFT. I'M GONNA GO TO 13:42 AND 50
27 SECONDS AND ASK YOU TO WATCH SOME OF THIS VIDEO HERE.

28 AND I WANT TO CALL YOUR ATTENTION -- LET ME

1 APPROACH.

2 I WANT TO CALL YOUR ATTENTION TO THE TOP
3 RIGHT PORTION OF THE VIDEO AS WE LOOK AT IT. OKAY?

4 I'LL START IT AT 13:42:29. WE'RE LOOKING
5 UP HERE.

6
7 (EXHIBIT 11, CAM 6, PLAYED.)

8

9 BY MR. MC KINNEY:

10 Q NOW, IN THE INTERESTS OF TIME, I'M GONNA
11 ADVANCE THIS CLIP TO 13:46 AND ASK YOU TO FOCUS ON THAT
12 SAME -- DID YOU SEE A DARK-COLORED VEHICLE PULL IN AND
13 PARK IN FRONT OF THE BARBER SHOP?

14 A YES.

15 Q OKAY. I'M GONNA ASK YOU TO CONTINUE TO
16 FOCUS ON THAT VIDEO AND I'M GONNA GO TO 13:46.

17 YOU SEE THE PERSON GETTING OUT OF THAT
18 VEHICLE?

19 A YES.

20 Q DO YOU RECOGNIZE WHO THAT IS?

21 A YES.

22 Q WHO IS THAT?

23 A NIPSEY HUSSLE.

24 Q OKAY. HE'S WALKING ACROSS THE LOT. DO YOU
25 SEE HIM GREETING SOMEONE?

26 A YES.

27 Q DO YOU KNOW WHO THAT PERSON IS?

28 A RIMPAU.

1 Q AND FINALLY, SOMEONE JUST APPEARED TO WALK
2 OUT OF THE MARATHON STORE. DO YOU KNOW WHO THAT IS?

3 A THAT'S ME.

4 Q SO DOES THIS VIDEO CLIP ACCURATELY SHOW
5 NIPSEY'S ARRIVAL TO THE STORE THAT DAY?

6 A YES.

7 Q NOW, I'M LETTING THE VIDEO PLAY AT THIS
8 POINT. IT'S AT 42:37. AND WHILE IT'S PLAYING, IT APPEARS
9 THAT YOU, NIPSEY, AND RIMPAU ARE ALL TALKING TO EACH OTHER
10 IN THE PARKING LOT; IS THAT CORRECT?

11 A YES.

12 Q DID YOU CONTINUE TO TALK TO NIPSEY AND
13 RIMPAU FOR THE NEXT, I DON'T KNOW, 10, 15 MINUTES OR SO?

14 A YES.

15 Q I'M GONNA PAUSE THE VIDEO AT THAT POINT.
16 MS. AENLLE-ROCHA: AT 13:47:35.

17 BY MR. MC KINNEY:

18 Q AND I WANT TO SHOW YOU GRAND JURY NUMBER 3.
19 DO YOU RECOGNIZE THE PERSON SHOWN HERE?

20 A YES.

21 Q WHO IS THAT?

22 A THAT'S SHITTY.

23 Q DO YOU KNOW HIM BY A NAME OTHER THAN
24 SHITTY?

25 A ERIC NOW.

26 Q WHAT DID YOU KNOW HIM BY ON THAT DAY?

27 A SHITTY.

28 Q DID YOU LEARN THAT HIS TRUE NAME IS

1 ERIC HOLDER AFTER THAT DAY?

2 A YES.

3 Q DID YOU KNOW HIM PRIOR TO THAT DAY?

4 A YES.

5 Q WHAT DID YOU KNOW ABOUT HIM BEFORE THAT
6 DAY?

7 A I JUST KNOW HE WAS FROM THE NEIGHBORHOOD.

8 Q WHAT DOES THAT MEAN, "FROM THE
9 NEIGHBORHOOD"?

10 A HE'S ONE OF THE -- ONE OF THE NEIGHBORHOOD
11 HOMIES, ONE OF THE HOMIES FROM THE HOOD.

12 Q NOW, YOU TESTIFIED EARLIER THAT THIS AREA
13 OF CRENSHAW AND SLAUSON IS AN AREA -- WELL, MAYBE YOU
14 DIDN'T. LET ME ASK YOU. IS THERE A GANG THAT HUNG OUT,
15 SORT OF CLAIMED THE AREA WHERE THE SHOPPING CENTER IS?

16 A THAT'S THE ROLLIN 60'S.

17 Q HOW DO YOU KNOW THAT IT'S THE ROLLIN 60'S
18 NEIGHBORHOOD?

19 A THAT'S WHERE I'M FROM.

20 Q OKAY. SO YOU'RE A MEMBER OF THE ROLLIN
21 60'S GANG?

22 A NO, I'M AN EX-MEMBER, BUT, YES.

23 Q OKAY. AND WHAT ABOUT NIPSEY, DO YOU KNOW
24 IF HE WAS FROM ROLLIN 60'S?

25 A YES.

26 Q AND WHAT ABOUT HOLDER, --

27 A YES.

28 Q -- DO YOU --

1 A YES.

2 Q YOU BELIEVE HE WAS, TOO?

3 A YES, HE WAS.

4 Q OKAY. DID YOU SEE ERIC HOLDER THAT DAY?

5 A YES.

6 Q HOW DID YOU FIRST BECOME AWARE THAT HE WAS
7 AT THE LOCATION?

8 A WHEN HE PULLED UP IN THE CAR. NIPSEY HAD
9 SPOTTED HIM AND HE ASKED RIMPAU, "IS THAT SHITTY?"

10 Q SO GOING BACK TO GRAND JURY EXHIBIT NUMBER
11 4, YOU SAID, "WHEN HE PULLED UP IN THE CAR." FIRST OF
12 ALL, CAN YOU DESCRIBE THE CAR THAT YOU SAW HIM ARRIVE IN?

13 A I JUST REMEMBER I THINK IT WAS A WHITE CAR.
14 I REALLY COULDN'T REMEMBER WHAT KIND OF MAKE. MAYBE A
15 HONDA OR SOMETHING. I'M NOT SURE. ALL I REMEMBER IT'S A
16 TYPE OF WHITE CAR.

17 Q OKAY. DID YOU SEE THAT CAR ENTER THE
18 PARKING LOT FROM ONE OF THE STREETS?

19 A YES.

20 Q HOW DID IT ENTER?

21 A OFF OF SLAUSON.

22 Q OKAY. I'M POINTING TO SLAUSON AVENUE.

23 A YES.

24 Q DID IT ENTER INTO THE DRIVEWAY CLOSEST TO
25 THE BARBER SHOP?

26 A YES.

27 Q AND THAT MEANS THAT WHEN IT ENTERED IT WAS
28 FACING SOUTHBOUND, CORRECT?

1 A FACING SOUTH --

2 Q MEANING FACING THE MARATHON STORE?

3 A YES.

4 Q AND THEN WHAT DID THE CAR DO AFTER IT
5 PULLED INTO THE LOT?

6 A TURNED IN AND PARKED OVER THERE BY -- I
7 GUESS OVER BY THAT -- THOSE RED CARS OVER HERE. IT CAME
8 ACROSS AND PULLED IN RIGHT OVER HERE SOMEWHERE.

9 Q OVER WHERE I'M HOLDING THE POINTER?

10 A YEAH, SOMEWHERE CLOSE LIKE THAT. ABOUT
11 THERE.

12 Q SO BASICALLY PARKED IN FRONT OF THE MASTER
13 BURGER, CORRECT?

14 A YEAH, BUT CLOSER TO THESE CARS, THOUGH.
15 YEAH.

16 Q CLOSER TO THE ROW OF CARS THAT'S IN THE
17 NORTHERN PART OF THE PARKING LOT?

18 A YES.

19 MS. AENLLE-ROCHA: THAT'S CLOSER TO SLAUSON?
20 THE WITNESS: YES.

21 MS. AENLLE-ROCHA: AND IF YOU'RE GOING LEFT TO
22 RIGHT, THE NUMBER TWO CAR IS A RED CAR. SO IT WAS RIGHT
23 IN FRONT OF THAT CAR -- FRONT OR BEHIND THAT CAR?

24 THE WITNESS: RIGHT IN BETWEEN THOSE TWO.
25 SOMEWHERE UP IN THERE.

26 MS. AENLLE-ROCHA: OKAY.

27 BY MR. MC KINNEY:

28 Q AND YOU TESTIFIED THAT --

1 MS. AENLLE-ROCHA: THIS IS A GOOD TIME TO BREAK.

2 MR. MC KINNEY: OKAY.

3 MS. AENLLE-ROCHA: I'M SO SORRY.

4 I'M SO SORRY, MR. DOUGLAS, BUT WE TAKE OUR
5 LUNCH BREAK AT THIS TIME. AND I HAD HOPED WE WOULD BE
6 ABLE TO FINISH WITH YOU BEFORE LUNCH, BUT WE'RE NOT GOING
7 TO BE ABLE TO. SO WE'RE GOING TO HAVE YOU COME BACK. OUR
8 LUNCH IS 11:30 TO 1:00. SO WE'LL HAVE YOU BACK ON THE
9 STAND RIGHT AT 1:00 AND THEN WE'LL GET YOU OFF AS SOON AS
10 WE CAN. OKAY?

11 THE WITNESS: YES.

12 MS. AENLLE-ROCHA: SO HOLD ON ONE SECOND. WE HAVE
13 TO -- FOR OUR PROCEDURE, THE FOREPERSON IS GOING TO READ
14 AN ADMONITION TO YOU.

15 BUT THERE'S A SHORT VERSION NOW SINCE WE
16 ALREADY READ THE LONG VERSION, AND THAT SHORT VERSION IS
17 NUMBER 14, PAGE 8.

18 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
19 PREVIOUSLY BEEN ADMONISHED REGARDING THE SECRECY OF THESE
20 PROCEEDINGS AND MUST HEED THAT ADMONISHMENT.

21 MS. AENLLE-ROCHA: AND THAT IS THAT YOU, OF COURSE,
22 CAN'T DISCUSS YOUR TESTIMONY WITH ANYONE OTHER THAN A
23 LAWYER, A LAWYER FOR YOURSELF. YOU CAN'T DISCUSS IT WITH
24 ANYONE ELSE. AND YOU UNDERSTAND THE SECRECY ISSUE HERE,
25 DO YOU NOT, MR. DOUGLAS?

26 THE WITNESS: YES.

27 MS. AENLLE-ROCHA: YOU UNDERSTAND THAT? OKAY.

28 I'M VERY SORRY FOR YOUR LOSS. PLEASE

1 HAVE -- YOU'LL GO TO LUNCH AND WE'LL SEE YOU BACK AT
2 ONE O'CLOCK. AND IF YOU COULD BE OUTSIDE MAYBE AT 12:55.
3 I WANT TO JUST GET STARTED RIGHT AWAY AND THEN BE ABLE TO
4 EXCUSE YOU. OKAY?

5 THANK YOU VERY MUCH.

6 WOULD THE SERGEANT-AT-ARMS PLEASE ESCORT
7 THE WITNESS FROM THE HEARING ROOM.

8
9 (THE WITNESS EXITED THE GRAND JURY
10 HEARING ROOM.)

11
12 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
13 PLEASE RECESS THIS HEARING AND ORDER THE GRAND JURORS TO
14 RETURN AT ONE O'CLOCK. SO ORDERED?

15 THE FOREPERSON: SO ORDERED.

16 MS. AENLLE-ROCHA: THANK YOU.

17 GRAND JURORS ARE ADMONISHED AND ADVISED NOT
18 TO DISCUSS THIS MATTER OR FORM ANY OPINION UNTIL SUCH TIME
19 AS IT IS GIVEN TO YOU FOR DELIBERATIONS.

20 THANK YOU. WE ARE IN RECESS.

21 PLEASE ESCORT THE D.A. FROM THE HEARING
22 ROOM.

23
24 (DEPUTY DISTRICT ATTORNEY MC KINNEY
25 EXITED THE GRAND JURY HEARING ROOM.)

26 //

27 //

28 //

(AT 11:35 A.M., A LUNCH RECESS WAS
TAKEN UNTIL 1:00 P.M. OF THE SAME
DAY.)

1 LOS ANGELES, CALIFORNIA; MONDAY, MAY 6, 2019

2 1:05 P.M.

3 -000-

4
5 (AT THE BEGINNING OF THE PROCEEDINGS,
6 23 GRAND JURORS WERE PRESENT.)
7

8 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
9 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER.

10 SO ORDERED?

11 THE FOREPERSON: SO ORDERED.

12 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

13 PLEASE LET THE RECORD REFLECT THAT THE SAME
14 NUMBER AS WELL AS THE SAME GRAND JURORS PRESENT AT
15 MORNING'S ROLL CALL MINUS ONE JUROR ARE PRESENT. ALSO
16 PRESENT IS DEPUTY DISTRICT ATTORNEY JOHN MC KINNEY AND
17 MYSELF, THE GRAND JURY LEGAL ADVISOR.

18 AND, MR. SERGEANT-AT-ARMS, LET'S GO AHEAD
19 AND RECALL MR. DOUGLAS TO FINISH WITH HIS TESTIMONY.
20

21 (THE WITNESS ENTERED THE GRAND JURY
22 HEARING ROOM.)
23

24 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS. GO
25 AHEAD AND RETAKE YOUR SEAT.

26 //

27 //

28 //

1 HERMAN DOUGLAS,
2 CALLED AS A WITNESS BEFORE THE GRAND JURY
3 OF THE COUNTY OF LOS ANGELES, HAVING BEEN
4 PREVIOUSLY SWORN, RESUMED THE STAND AND
5 TESTIFIED FURTHER AS FOLLOWS:
6

7 MS. AENLLE-ROCHA: AND WE HAVE TO REMIND
8 MR. DOUGLAS OF HIS OATH AGAIN.

9 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
10 PREVIOUSLY BEEN SWORN AND ARE STILL UNDER OATH. PLEASE
11 RESTATE YOUR NAME.

12 THE WITNESS: HERMAN DOUGLAS.

13 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS. AND AS
14 WELL, YOU LEFT YOUR CELL PHONE OUTSIDE AND YOU HAVE NO
15 RECORDING DEVICES ON YOU, CORRECT?

16 THE WITNESS: YES.

17 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

18 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
19 MR. MC KINNEY PROCEED?

20 THE FOREPERSON: YES.

21 MR. MC KINNEY: ALL RIGHT. THANK YOU.

22 MS. AENLLE-ROCHA: IT'S BETTER FOR THE GRAND JURORS
23 AND THE WITNESS IF THE LIGHTS ARE DIMMER. I DON'T MIND.

24 GO AHEAD. THANK YOU, THOUGH.

25 //

26 //

27 //

28 //

EXAMINATION

(RESUMED)

BY MR. MC KINNEY:

Q OKAY. MR. DOUGLAS, AT THE BREAK I THINK YOU WERE TESTIFYING ABOUT SEEING MR. HOLDER ARRIVE. DO YOU RECALL THAT?

A YES.

Q AND YOU DESCRIBED HOW HE ENTERED THE PARKING LOT IN A WHITE CAR FROM SLAUSON, CORRECT?

A YES.

Q WAS HE THE DRIVER OR PASSENGER IN THAT CAR?

A PASSENGER.

Q DOES THAT MEAN THAT WHEN THE CAR FIRST WENT BY YOUR LOCATION HE WAS CLOSER TO YOU THAN THE DRIVER WAS?

A YES.

Q AND YOU TESTIFIED THAT WHEN THE CAR WENT BY NIPSEY MADE SOME REFERENCE TO HIM; IS THAT CORRECT?

A YES.

Q TELL US ABOUT THAT.

A WELL, HE MADE A REFERENCE TO RIMPAU, JUST -- HE WAS INQUIRING IS THAT -- IS THAT SHITTY 'CAUSE I THINK NOBODY HADN'T SEEN HIM IN SOME YEARS.

Q OKAY. SO YOU HEARD NIPSEY SAY, "IS THAT SHITTY?" AS THE CAR WENT BY?

A YES.

Q WHEN HE SAID THAT, DID YOU LOOK INTO THE CAR AND SEE HOLDER IN THE PASSENGER SEAT?

1 A NO. THE CAR HAD PASSED ME SO I REALLY
2 COULDN'T SEE. I JUST OVERHEARD WHAT HE HAD SAID AND
3 THAT'S WHAT GOT ME CURIOUS OF THE CAR AND THAT'S WHEN
4 HOLDER APPROACHED US.

5 Q OKAY. SO MY NEXT QUESTION WAS YOU
6 DESCRIBED THE CAR COMING TO A STOP IN THE PARKING LOT
7 ADJACENT TO THE MASTER BURGER CLOSER TO THE NORTHERN ROW
8 OF CARS PARKED IN THE LOT. WHAT HAPPENED NEXT?

9 A SHITTY GOT OUT OF THE CAR AND WALKED UP AND
10 SPOKE TO US.

11 Q OKAY. AND WHEN HE APPROACHED YOU, CAN YOU
12 TELL US ANYTHING ABOUT HOW HE WAS DRESSED?

13 A HE DIDN'T HAVE A SHIRT ON.

14 Q HE HAD NO SHIRT ON?

15 A HE HAD NO SHIRT ON.

16 Q DO YOU RECALL ANYTHING ELSE ABOUT THE WAY
17 HE WAS DRESSED?

18 A MAYBE HE MIGHT HAVE HAD ON SOME SHORTS,
19 JEAN SHORTS OR SOMETHING. I'M NOT SURE.

20 Q LET ME SHOW YOU A GRAND JURY EXHIBIT. THIS
21 IS GRAND JURY EXHIBIT NUMBER 8. DO YOU RECOGNIZE THE
22 PERSON IN THIS EXHIBIT?

23 A YES.

24 Q WHO IS THAT?

25 A SHITTY. HOLDER.

26 Q OKAY. AND DID HE APPEAR -- MEANING WAS HIS
27 DRESS THE SAME ON THAT AFTERNOON AS HE'S SHOWN IN THIS
28 EXHIBIT?

1 A YES.

2 Q DO YOU KNOW -- THIS IS SOME SORT OF A
3 CROPPED PHOTO, BUT DO YOU KNOW THE LOCATION WHERE HE WAS
4 WHEN THIS IMAGE WAS TAKEN?

5 A YES.

6 Q WHERE IS THAT?

7 A MASTER BURGERS.

8 Q DO YOU RECALL APPROXIMATELY HOW LONG YOU
9 WERE IN THE LOT WITH NIPSEY BEFORE HOLDER ARRIVED?

10 A MAYBE A GOOD 30, 40 MINUTES MAYBE. ABOUT
11 30 MINUTES, SOMETHING LIKE THAT. THIRTY, 40 MINUTES.

12 Q DURING THE TIME PERIOD YOU WERE WITH HIM,
13 DID YOU EVER LEAVE HIS SIDE?

14 A NO.

15 Q MEANING NIPSEY'S SIDE.

16 A NO.

17 MS. AENLLE-ROCHA: MR. DOUGLAS, CAN YOU GET A
18 LITTLE BIT CLOSER TO THE MICROPHONE?
19 BY MR. MC KINNEY:

20 Q AND IN THAT TIME PERIOD, FROM THE TIME HE
21 ARRIVED TO THE TIME HOLDER ARRIVED, CAN YOU TELL US JUST
22 GENERALLY WHAT WAS GOING ON?

23 WHAT WAS NIPSEY DOING?

24 A WELL, HE GOT -- WHEN HE GOT OUT THE CAR, WE
25 STARTED TALKING. I WAS JUST TELLING HIM HOW PROUD I WAS
26 OF HIM ABOUT A VIDEO HE HAD DID A COUPLE OF DAYS AGO, JUST
27 TALKING ABOUT THE CAREER. HE HAD JUST BEEN IN THE STUDIO,
28 YOU KNOW. TALKING TO RIMPAU, JUST TALKING ABOUT IT FELT

1 LIKE OLD TIMES AGAIN, YOU KNOW, JUST TALKING AND
2 REMINISCING. A COUPLE PEOPLE JUMPED OUT, WANTED
3 AUTOGRAPHS COMING OUT OF THE STORE. HE SIGNED A FEW
4 PHOTOGRAPHS AND TALKING TO THE FANS.

5 Q OKAY. AND WHAT WAS HIS ATTITUDE AND
6 DEMEANOR LIKE BEFORE HOLDER ARRIVED?

7 A WE WAS JUST KICKING BACK LAUGHING HAVING
8 FUN, JUST BEING HISSELF.

9 Q DID HIS ATTITUDE OR DEMEANOR CHANGE ANY
10 AFTER HOLDER APPROACHED YOUR GROUP?

11 A IT DIDN'T CHANGE REALLY. HE JUST HAD A
12 CONVERSATION AND LIKE NIPSEY WAS MORE OR LESS TRYING TO --
13 TRYING TO LOOK OUT FOR THE DUDE, WAS TRYING TO HELP HIM,
14 LIKE BASICALLY WARNING THE DUDE, LIKE, YOU KNOW, "THEY GOT
15 SOME PAPERWORK ON YOU. I HAVEN'T READ THE PAPERWORK,
16 BUT," YOU KNOW, "YOU GOT TO WATCH YOUR BACK."

17 Q OKAY. LET ME STOP YOU THERE BECAUSE I WANT
18 TO ASK A QUESTION TO GET TO THAT POINT.

19 A OKAY.

20 Q SO YOU TESTIFIED THAT AFTER HOLDER GOT OUT
21 OF THE CAR -- DID YOU SEE THE FIRST PLACE HE WENT TO AFTER
22 HE GOT OUT OF THE CAR?

23 A I THINK HE CAME STRAIGHT TO US, THEN HE
24 WENT TO MASTER BURGER, IF I'M NOT MISTAKEN. I'M NOT SURE
25 IF -- I THINK HE CAME STRAIGHT TO US. I'M NOT SURE.

26 Q OKAY. BUT AT SOME POINT HE DID COME TO
27 YOUR GROUP, CORRECT?

28 A YES.

1 Q TELL US WHAT HAPPENED AS BEST YOU CAN,
2 INCLUDING THE CONVERSATION, IF ANY, THAT YOU HEARD BETWEEN
3 HIM AND NIPSEY AFTER HE APPROACHED THE GROUP.

4 A WELL, I REMEMBER THEM SHAKING THEIR HANDS.
5 I REMEMBER NIP LIKE, "HEY, MAN, WHAT'S UP?" YOU KNOW,
6 "WHERE YOU BEEN, BRO?" LIKE THAT. AND HE LIKE, "I'VE
7 BEEN GONE. I'VE BEEN" -- "I'VE BEEN GONE. I'VE BEEN OUT
8 THE WAY," OR WHATEVER.

9 AND THEN NIPSEY WAS LIKE, "MAN, YOU KNOW,
10 THEY GOT SOME PAPERWORK ON YOU, YOU KNOW. I HAVEN'T READ
11 IT, YOU KNOW. LIKE YOU MY BRO, YOU KNOW. LIKE" -- "LIKE
12 YOU NEED TO MAYBE TAKE CARE OF THAT, YOU KNOW."

13 Q LET ME STOP YOU THERE. AND I HATE TO
14 INTERRUPT YOU, BUT CAN YOU EXPLAIN WHAT "PAPERWORK" MEANS?

15 A LIKE HE WAS IN JAIL FOR SNITCHING OR HE HAD
16 TOLD ON SOMEBODY OR SOMETHING, YOU KNOW, LIKE, YOU KNOW,
17 THERE'S RUMORS GOING AROUND THAT HE HAD TOLD ON SOMEBODY,
18 SOME PARTICULAR STUFF HE MAY HAVE TOLD ON, AND NIPSEY HAD
19 TOLD HIM THAT HE HADN'T READ IT, "I HAVEN'T READ ANY
20 PAPERWORK, I DON'T KNOW, YOU KNOW, BUT YOU NEED TO ADDRESS
21 IT," OR -- YOU KNOW, BASICALLY TELLING THE GUY YOU NEED TO
22 BE CAREFUL, YOU KNOW, BECAUSE PEOPLE GOT SOME PAPERWORK ON
23 YOU.

24 Q OKAY. LET ME STOP YOU THERE.

25 IN GANG CULTURE "PAPERWORK" IS A TERM THAT
26 USUALLY REFERS TO POLICE REPORTS OR COURT DOCUMENTS,
27 CORRECT?

28 A YES.

1 Q SO IF A GANG MEMBER SAYS TO ANOTHER GANG
2 MEMBER "YOU BETTER BE CAREFUL BECAUSE THERE'S SOME
3 PAPERWORK THAT SAYS THAT YOU TOLD OR YOU SNITCHED," WHAT
4 THEY'RE REFERRING TO IS SOME POLICE REPORTS OR SOME COURT
5 DOCUMENTS THAT SHOW THAT THE PERSON WAS COOPERATING WITH
6 THE POLICE OR MAYBE TOLD SOMETHING ABOUT GANG BUSINESS OR
7 A CRIME OR SOMETHING LIKE THAT; IS THAT CORRECT?

8 A YES.

9 Q SO THAT WE FOLLOW UP TO THIS POINT IN YOUR
10 TESTIMONY, YOU HEARD NIPSEY TELLING THAT TO HOLDER,
11 CORRECT?

12 A YES.

13 Q AND HE WAS TELLING HOLDER, "YOU MIGHT WANT
14 TO ADDRESS THAT OR TAKE CARE OF THAT"?

15 A YES.

16 Q WHAT DOES THAT MEAN? OR WHAT DID THAT MEAN
17 TO YOU?

18 A THAT MEANS -- THAT MEANS -- YOU KNOW, LIKE
19 SAY, FOR INSTANCE, THEY HAD PAPERWORK ON ME. I'M GONNA GO
20 ADDRESS IT. LIKE, YOU KNOW, IF I KNOW I'M NOT BAD OR
21 WHATEVER, I'M GONNA COME LET SOMEBODY KNOW, LIKE "HOLD
22 UP," OR, YOU KNOW, "WHAT'S GOING ON?" YOU KNOW. I'M GONNA
23 COME CLEAR -- IF THERE'S SOME PAPERWORK, I'M GONNA BRING
24 MY COURT PAPERS. I JUST GOT OUT OF JAIL FOR A CASE OR
25 WHATEVER, I'M GONNA COME TO THE HOOD WITH MY PAPER AND
26 SAY, "LOOK, THIS IS WHAT HAPPENED ON THE CASE," AND MAYBE
27 CLEAR IT UP IF I KNOW I HADN'T DONE NOTHING WRONG.

28 Q WHY WOULD SOMEBODY WHO'S A ROLLIN 60'S NEED

1 TO CLEAR UP AN ACCUSATION THAT THERE'S PAPERWORK THAT SAYS
2 THEY'RE SNITCHING?

3 A WELL, IF -- IF THEY'RE NOT SNITCHING, THEY
4 NEED TO CLEAR IT UP SO THEY WON'T, YOU KNOW, GET HURT OR
5 WHATEVER IT MAY BE.

6 Q OKAY. 'CAUSE IN GANG CULTURE SNITCHING IS
7 NOT A GOOD THING TO BE KNOWN TO DO, CORRECT?

8 A YES.

9 Q WHAT ARE SOME OF THE CONSEQUENCES THAT CAN
10 FLOW FROM SOMEBODY WHO SNITCHES?

11 A EVERYTHING FROM GETTING BEAT UP TO GETTING
12 KILLED.

13 Q DID NIPSEY EVER SAY SPECIFICALLY WHAT
14 HOLDER SUPPOSEDLY SNITCHED ABOUT?

15 A NO.

16 Q DID HE MENTION ANY NAMES?

17 A NO.

18 Q ANY CASES?

19 A NO.

20 Q ANY CIRCUMSTANCES THAT YOU COULD DESCRIBE
21 IN TERMS OF WHAT THE SNITCHING WAS ABOUT?

22 A NO.

23 Q OKAY. NOW THAT WE'VE CLARIFIED THAT,
24 PLEASE CONTINUE WITH WHAT YOU HEARD FROM THE POINT WHERE
25 YOU LEFT OFF.

26 A SO WHEN HE TOLD HIM, YOU KNOW, BASICALLY
27 THAT HE WAS KIND OF LOOKING OUT FOR HIM, TELLING HIM TO
28 ADDRESS THE PAPERWORK, AND THEN SHITTY GOT TO SAYING, "OH,

1 YEAH, MOTHERFUCKERS BE HATING ON ME. THEY BE HATING ON
2 ME," YOU KNOW. AND THEN NIP IS LIKE, "SO YA'LL KNOW WHAT
3 I'M TALKING ABOUT." AND HE WAS LIKE, "NO. PEOPLE BE
4 HATING ON ME." THEN HE LOOKED AND HE ASKED US HAD WE
5 HEARD HIS RAP, HAVE WE HEARD HIS NEW SONG. HE SAID,
6 "YEAH, I'VE BEEN IN THE STUDIO. I DID MY NEW SONG."

7 Q WHO SAID THAT?

8 A SHITTY. HE ASKED US HAD WE HEARD IT, AND
9 WE'RE LIKE, "NAH, WE HAVEN'T HEARD YOUR SONG," OR
10 WHATEVER. AND I THINK AT THAT TIME HE MIGHT HAVE SHOOK
11 OUR HAND AGAIN AND I THINK HE MIGHT HAVE PEELED OFF TO GO
12 TO THE CAR, TALK TO THE GIRL OR SOMETHING, THEN HE WENT
13 BACK TO MASTER BURGER.

14 Q OKAY. WHAT WAS -- WAS THE CONVERSATION
15 THAT YOU WITNESSED IN THAT TIME PERIOD MAINLY A
16 CONVERSATION BETWEEN HOLDER AND NIPSEY?

17 A YES.

18 Q WERE YOU CHIMING IN AT ALL WITH ANYTHING?

19 A YOU KNOW, I CHIMED IN A COUPLE TIMES, AND
20 WHEN HE STARTED TO MENTION THE SONGS AND I LOOKED AT HIM,
21 HE JUST LOOKED KIND OF WEIRD, LIKE HE -- I DON'T KNOW,
22 MAYBE HE WAS HIGH OR WHATEVER IT MAY BE.

23 BASICALLY, I HAD TOLD NIP AT ONE POINT,
24 "COME ON, LET'S GO IN. LET'S" -- YOU KNOW WHAT I MEAN?
25 LIKE I DON'T KNOW, JUST CHECK IN. IN THAT PARKING LOT WE
26 DON'T HANG OUT TOO MUCH LIKE THAT. SO NIP IS THERE, YOU
27 KNOW, WE HANG OUT FOR A LITTLE BIT, IT'S TIME TO GET
28 INSIDE. SO I HAD -- YOU KNOW, WE HAD BEEN OUT THERE TOO

1 LONG ALREADY. AND BASICALLY I TOLD HIM, "COME ON, LET'S
2 GO IN." AND I THINK AT THAT TIME HE HAD STARTED TO SIGN
3 SOMEBODY ELSE'S AUTOGRAPH, BUT THAT'S A LITTLE BIT LATER.

4 Q WAS THERE ANYTHING ABOUT HOLDER THAT MADE
5 YOU FEEL LIKE YOU WANTED TO GET NIPSEY AWAY FROM HIM?

6 A I MEAN, IT WAS A STRAIGHT SNAKE MOVE.
7 SOMETHING IN MY GUT -- I FELT SOMETHING IN MY GUT AND I
8 ASKED MYSELF -- LIKE AT THAT SPLIT SECOND I ASKED MYSELF
9 WHY DO I FEEL THIS WAY, YOU KNOW. YOU KNOW, JUST HIS
10 PRESENCE MADE ME JUST -- I HAD AN UNEASY FEELING ABOUT
11 HIM, HIS DEMEANOR AND THE STUFF HE WAS SAYING. IT WAS --
12 IT WAS NO -- IT WAS NO HINT OF ANY ANIMOSITY. THERE WAS
13 NO HINT OF ANYTHING.

14 LIKE I SAID, IT WAS LIKE A STRAIGHT SNAKE
15 MOVE. HAD THEY HAD ANY TYPE OF WORDS, I WOULD HAVE
16 ESCORTED HIM OUT, YOU KNOW. HAD THEY JUST HAD, YOU KNOW,
17 ANY TYPE OF -- YOU KNOW, IT WAS JUST A STRAIGHT SNAKE
18 MOVE. I NEVER -- NEVER IN A MILLION YEARS WOULD I HAVE
19 THOUGHT HE WOULD HAVE CAME BACK AND DONE THAT, YOU KNOW,
20 JUDGING BY THE CONVERSATION. I UNDERSTAND SOMEBODY'S
21 ARGUING AND SOMEBODY LEAVES OUT YOU KIND OF EXPECT THAT,
22 BUT THERE WAS NEVER NO ARGUMENT. IT WAS NEVER -- LIKE I
23 SAID, NIPSEY WAS BASICALLY LOOKING OUT FOR HIM, TELLING
24 HIM THAT, YOU KNOW, "I HAVEN'T READ IT, I DON'T KNOW IF
25 IT'S TRUE OR NOT, BUT YOU NEED TO ADDRESS IT." THAT'S
26 WHAT NIPSEY WAS DOING.

27 Q AND WHAT ABOUT HOLDER'S ATTITUDE?

28 I KNOW YOU SAID THAT THIS WAS A

1 CONVERSATION THAT DIDN'T SEEM PARTICULARLY HEATED TO YOU,
2 RIGHT?

3 A YEAH.

4 Q THEY WERE BOTH SPEAKING IN A NORMAL TONE OF
5 VOICE?

6 A YES.

7 Q DID YOU FEEL ANYBODY WAS DISRESPECTING THE
8 OTHER PERSON?

9 A NOT AT ALL. NOT AT ALL. HAD ANY
10 DISRESPECT WENT DOWN, I WOULD HAVE ESCORTED HIM OFF THE
11 PARKING LOT.

12 Q OKAY. LET ME SHOW YOU AN EXHIBIT. THIS IS
13 GRAND JURY EXHIBIT NUMBER 9.

14 OKAY. DO YOU RECOGNIZE WHAT'S SHOWN IN
15 THIS EXHIBIT?

16 A YEAH.

17 Q OKAY. LET ME ASK YOU SOME QUESTIONS
18 SPECIFICALLY. NOW, THIS IS AN EXHIBIT THAT SHOWS THE
19 PARKING LOT IN FRONT OF THE MARATHON STORE, CORRECT?

20 A YES.

21 Q DO YOU SEE THIS WHITE CAR HERE OFF TO THE
22 RIGHT SIDE OF THE EXHIBIT?

23 A YES.

24 Q IS THAT THE CAR HOLDER ARRIVED IN?

25 A THAT DEFINITELY LOOKS LIKE IT. BECAUSE AT
26 SOME POINT IN TIME THEY WERE FACING THIS WAY AND AT SOME
27 POINT IN TIME THEY WERE FACING THAT WAY BECAUSE I
28 REMEMBER -- I REMEMBER HIM GOING OVER THERE AND GOING BACK

1 TO THE CAR. SO -- WHEN HE FIRST PULLED IN, HE WAS FACING
2 THAT WAY. SO AT SOME POINT IN TIME WHEN HE WAS TALKING TO
3 US OR WHATEVER SHE MUST HAVE BUSTED A U-TURN BECAUSE THEN
4 SHE WAS BACK THAT WAY.

5 Q OKAY. YOU'RE REFERRING TO THE WHITE CAR
6 WHEN IT FIRST CAME IN --

7 A YEAH. IT CAME IN FIRST AND IT WAS FACING
8 THAT WAY.

9 Q IT WAS FACING THE FENCE?

10 A YEAH.

11 Q AND AT SOME POINT IT MUST HAVE TURNED
12 AROUND TO FACE THE DIRECTION WHERE YOU GUYS WERE?

13 A EXACTLY, BECAUSE I LOOKED AT THE CAR. I
14 NOTICED IT MIGHT HAVE HAD SOME DICE OR SOMETHING IN THE
15 WINDOW WHEN I REMEMBER LOOKING AT IT BECAUSE FOR SOME
16 REASON HE WENT FROM MASTER BURGERS BACK TO THE CAR AND WAS
17 TALKING TO HER AND THAT'S HOW I HAD A CHANCE TO SEE HER IN
18 THE CAR, DARK-SKINNED FEMALE.

19 Q OKAY. LET'S SEE IF WE CAN IDENTIFY SOME OF
20 THE PEOPLE IN THIS PHOTO. THIS PHOTO HAS A NUMBER OF
21 SMALLER PHOTOS INSET WITH ARROWS.

22 SO FIRST THIS PERSON HERE, WHAT APPEARS TO
23 BE A WHITE CLOTH ON HIS HEAD, IS THAT NIPSEY?

24 A YES.

25 Q AND SO THE EXHIBIT ACCURATELY SHOWS WHERE
26 NIPSEY WAS STANDING?

27 A YES.

28 Q THIS PERSON OVER HERE, THE ARROW POINTING

1 TO YOU, IS THAT YOU?

2 A YES.

3 Q THIS ARROW DOWN HERE AT THE BOTTOM IS
4 POINTING TO A YOUNG MAN. IS THAT RIMPAU?

5 A YES.

6 Q OKAY. THEN THERE'S AN ARROW OFF TO THE
7 RIGHT POINTING TO SOMEBODY WITH A QUESTION MARK IN THE
8 BOX. DO YOU KNOW WHO THAT PERSON IS?

9 A COULD HAVE BEEN A BARBER MAYBE. I'M NOT --
10 OH, HER RIGHT HERE?

11 Q NO. NO.

12 A OH, HIM?

13 Q THIS PERSON RIGHT HERE.

14 A OH.

15 Q IF YOU DON'T KNOW, THAT'S FINE.

16 A I'M NOT SURE.

17 Q OKAY. NOW, THIS PERSON LOOKS LIKE A SHORT
18 PERSON WITH DARK-COLORED SHORTS AND A WHITE T-SHIRT. DO
19 YOU KNOW WHO THAT IS?

20 A IT LOOKS LIKE -- IT LOOKS LIKE INGRID THAT
21 WAS BRINGING MY FOOD. IT LOOKS LIKE HER. I'M NOT SURE.

22 Q OKAY. LET ME ASK ANOTHER QUESTION.

23 MS. AENLLE-ROCHA: AND YOU NEED -- I'M SO SORRY,
24 MR. DOUGLAS, BUT YOU DO NEED TO SPEAK INTO THE MICROPHONE.
25 AND SO YOU SAID THAT LOOKS LIKE INGRID WHO WAS BRINGING
26 YOU YOUR FOOD?

27 THE WITNESS: YES. I SAID IT LOOKS LIKE.

28 MS. AENLLE-ROCHA: OKAY.

1 GO AHEAD.

2 BY MR. MC KINNEY:

3 Q AT SOME POINT AFTER HOLDER FIRST APPROACHED
4 YOUR GROUP AND THERE WAS THIS CONVERSATION THAT YOU
5 DESCRIBED, DID ANOTHER YOUNG WOMAN WALK UP AND ASK TO TAKE
6 A PICTURE WITH NIPSEY?

7 A YES.

8 Q WHO WAS THAT PERSON?

9 A IT WAS A -- IF I'M NOT MISTAKEN, AN OLDER
10 LADY HAD SAID SHE WANTED A T-SHIRT, IF I'M NOT MISTAKEN.
11 AT THE TIME WE WERE TALKING, HE MIGHT HAVE SIGNED -- I
12 WANT TO SAY TWO AUTOGRAPHS AND MAYBE TOOK MAYBE TWO
13 PICTURES.

14 Q DID YOU EVER SEE THE DRIVER OF THAT WHITE
15 CAR APPROACH YOUR GROUP?

16 A NO.

17 Q OKAY.

18 MS. AENLLE-ROCHA: WELL, LET ME -- I'M SORRY. LET
19 ME ASK YOU A QUESTION.

20 YOU SAID SOME OTHER PEOPLE CAME UP AND --
21 FOR AUTOGRAPHS OR SOMETHING? AND WERE THOSE WOMEN OR MEN?

22 THE WITNESS: THERE WAS A COUPLE. THERE WAS A
23 COUPLE. I THINK ONE GUYS -- TWO GUYS CAME AND TOOK PHOTOS
24 AND I THINK MAYBE TWO DIFFERENT FEMALES MIGHT HAVE CAME
25 AND TOOK SOME PHOTOS, TOO.

26 MS. AENLLE-ROCHA: SO DO YOU KNOW WHERE THEY HAD
27 COME FROM?

28 THE WITNESS: JUST IN THE PARKING LOT LEAVING OUT

1 THE STORE. THE LADY, SHE HAD LEFT OUT THE STORE AND SAID
2 TO NIPSEY, "OH, I GOT A SHIRT. CAN YOU SIGN IT FOR ME?"
3 BASICALLY, WE'D GET TOURISTS AROUND THE WORLD EVERY DAY
4 PRIOR TO THIS SO -- JUST IN THE PARKING LOT.

5 MS. AENLLE-ROCHA: SO YOU CAN'T SAY WHERE ONE OF
6 THE WOMEN SPECIFICALLY CAME FROM, BUT SOMEONE CAME UP TO
7 HIM FOR A PICTURE?

8 THE WITNESS: DEFINITELY -- THE COUPLE, THEY
9 DEFINITELY CAME OUT OF THE STORE WITH THEIR MARATHON BAGS.
10 SO DEFINITELY TWO -- TWO TO THREE OF THOSE PEOPLE CAME OUT
11 OF OUR STORE.

12 MS. AENLLE-ROCHA: OKAY. AND --

13 THE WITNESS: THEY HAD BAGS AND THEY HAD STUFF FOR
14 HIM TO SIGN.

15 MS. AENLLE-ROCHA: AND A WOMAN WANTED HIM TO SIGN A
16 T-SHIRT?

17 THE WITNESS: UH-HUH. YES.

18 MS. AENLE-ROCHA: YES?

19 AND THEN WERE THERE TWO OTHER WOMEN OR ONE
20 OTHER WOMAN?

21 THE WITNESS: I WANT TO SAY TWO, YOU KNOW, PEOPLE
22 APPROACHED HIM. YOU KNOW, IF HE'S NOT TAKING CARE OF
23 BUSINESS AND HE'S OUT THERE TAKING PICTURES, PEOPLE WILL
24 APPROACH HIM. SO --

25 MS. AENLLE-ROCHA: SO MY QUESTION TO YOU IS,
26 MR. DOUGLAS, DO YOU KNOW WHERE THOSE ADDITIONAL WOMEN HAD
27 COME FROM OR DID THEY -- YOU DIDN'T SEE WHERE THEY HAD
28 COME FROM, YOU JUST SAW THAT THEY GOT CLOSE TO HIM AND

1 THEN ASKED HIM?

2 THE WITNESS: YES. LIKE WE WERE TALKING AND MAYBE
3 THEY'LL COME UP BEHIND US AND SAY, "HEY, CAN I GET AN
4 AUTOGRAPH?" LIKE WE'RE IN BETWEEN A COUPLE OF CARS SO
5 PEOPLE COME BEHIND US AND SAY, "HEY, NIP, CAN I GET A
6 PICTURE?" OR WHATEVER.

7 MS. AENLLE-ROCHA: OKAY. SO THERE WAS SOMEONE, YOU
8 JUST DON'T KNOW WHERE THEY CAME FROM?

9 THE WITNESS: YEAH. THEY WERE IN THE PARKING LOT.

10 MS. AENLLE-ROCHA: OKAY.

11 THE WITNESS: THEY WERE IN ONE OF THE STORES MAYBE.

12 MS. AENLLE-ROCHA: OKAY. THANK YOU SO MUCH,
13 MR. DOUGLAS.

14 GO AHEAD.

15 MR. MC KINNEY: OKAY. AND FOR THE RECORD, THIS IS
16 GRAND JURY EXHIBIT NUMBER 9.

17 Q THE ONE PERSON I DIDN'T ASK YOU ABOUT YET
18 IS THE PERSON AT THE TOP HERE WHO YOU PREVIOUSLY
19 IDENTIFIED AS ERIC HOLDER.

20 IT'S HARD TO SEE HIM IN THE GROUP, BUT IS
21 IT FAIR TO SAY THAT THIS PHOTO WAS TAKEN DURING THE
22 CONVERSATION THAT YOU DESCRIBED HOLDER HAVING WITH NIPSEY?

23 A YES.

24 Q DURING THAT CONVERSATION, DO YOU RECALL A
25 YOUNG WOMAN WALKING UP AND RIGHT IN THE MIDDLE OF THE
26 CONVERSATION TAKING A SELFIE WITH NIPSEY?

27 DO YOU REMEMBER THAT OR NOT?

28 A I REMEMBER -- I REMEMBER SOMEBODY CAME. I

1 THINK I REMEMBER -- IF IT WASN'T ONE, MAYBE TWO PEOPLE
2 MIGHT HAVE DID SELFIES. I'M NOT SURE. HE TOOK A COUPLE
3 PHOTOS.

4 Q OKAY. LET ME GO BACK. I'M GONNA SHOW YOU
5 THAT VIDEO THAT I SHOWED YOU EARLIER. THIS IS CAMERA 6
6 FROM GRAND JURY EXHIBIT NUMBER 11, I BELIEVE.

7 MS. AENLLE-ROCHA: YES.

8 MR. MC KINNEY: YES.

9 MS. AENLLE-ROCHA: THE SAME ONE AS THE LAST TIME,
10 CAMERA 6?

11 MR. MC KINNEY: YES.

12

13 (EXHIBIT 11, CAM 6, PLAYED.)

14

15 BY MR. MC KINNEY:

16 Q I'M GONNA FORWARD THROUGH THE TIME TO
17 13:55 AS IT APPEARS ON THE VIDEO.

18 I'M NOT GONNA BE ABLE TO PLACE IT
19 PRECISELY, SO I'LL JUST START IT HERE, 13:55:17.

20 SO IN THE LOT AT THIS POINT IS YOU, RIMPAU,
21 AND NIPSEY TALKING, CORRECT?

22 A UH-HUH.

23 MS. AENLLE-ROCHA: IS THAT A "YES"?

24 THE WITNESS: YES.

25 MS. AENLLE-ROCHA: THANK YOU.

26 BY MR. MC KINNEY:

27 Q AND YOU GUYS ARE RIGHT HERE AT THE TOP OF
28 THE IMAGE, CORRECT?

1 A YES.

2 Q NOW, WE JUST SAW A WHITE CAR PULL IN. DID
3 YOU SEE THAT?

4 A YES.

5 Q IS THAT THE CAR THAT YOU TESTIFIED HOLDER
6 WAS IN?

7 A YES.

8 Q SO AT THIS POINT, 13:56:14, NIPSEY HAD
9 ALREADY LOOKED AT THE CAR AND SAID, "IS THAT SHITTY"?

10 A YEAH. YES.

11 Q SO AT THIS POINT, WHILE THE CAR IS SITTING
12 THERE AT 13:56:47, IT LOOKS LIKE A GENTLEMAN CAME FROM OUT
13 OF THE STORE AND WALKED UP, APPEARS TO BE GETTING SOME
14 KIND OF AUTOGRAPH OR SOMETHING. DID YOU SEE THAT?

15 A IT APPEARS LIKE THAT.

16 Q IS THAT TRUE?

17 A YES.

18 Q AND STANDING NEXT TO NIPSEY STILL YOU AND
19 RIMPAU, CORRECT?

20 A YES.

21 Q NOW, LOOK AT THE WHITE CAR AT THE BOTTOM,
22 13:57:10. IS THAT HOLDER GETTING OUT?

23 A YES.

24 Q AND AT 13:57:21 DID YOU SEE WHERE HE WENT
25 TO?

26 A YES.

27 Q WHERE DID HE GO?

28 A THE MASTER BURGERS.

1 Q OKAY. 13:57:35 IT APPEARS THE CAR HE
2 ARRIVED IN IS TURNING TO NOW FACE YOUR DIRECTION, CORRECT?

3 A YES.

4 Q AND I WANT YOU TO FOCUS ON THE MASTER
5 BURGER AT THE TOP OF THE SCREEN. DO YOU SEE THAT PERSON
6 JUST WALK OUT AT 13:58?

7 A YES.

8 Q FOLLOW HIM. IS THAT ERIC HOLDER?

9 A YES.

10 Q HE APPEARS TO NOT BE WEARING A SHIRT; IS
11 THAT CORRECT?

12 A YES.

13 Q AND HE APPEARS TO COME OVER AND SHAKE
14 NIPSEY'S HAND AT THAT POINT; IS THAT TRUE?

15 A YEAH.

16 Q SO THE GROUP AT THIS POINT IS NIPSEY,
17 RIMPAU, YOU, ERIC HOLDER, AND THIS PERSON WHO CAME OUT OF
18 THE STORE FOR WHAT APPEARED TO BE AN AUTOGRAPH, CORRECT?

19 A YES.

20 Q DO YOU SEE THE YOUNG LADY GETTING OUT OF
21 THE WHITE CAR?

22 A YES.

23 Q AT 13:58:40 SHE WALKS UP TO THE GROUP OF
24 YOU; IS THAT CORRECT?

25 A YES.

26 Q DID YOU NOTICE HER AT THAT TIME?

27 A NOT AT ALL.

28 Q OKAY.

1 A NO.

2 MS. AENLLE-ROCHA: THANK YOU, MR. DOUGLAS.

3 BY MR. MC KINNEY:

4 Q I WANT YOU TO CONTINUE TO WATCH.

5 OKAY. AT 13:59:08 OR SO IT LOOKS LIKE SHE
6 WALKS INTO THE MIDDLE OF THE GROUP. DID YOU SEE THAT?

7 A YEAH.

8 Q AND YOU'RE STILL STANDING THERE WITH
9 RIMPAU, ERIC HOLDER, AND THIS PERSON WHO I'LL CALL A FAN,
10 THE ONE WHO GOT THE AUTOGRAPH. THE YOUNG LADY IS NEXT TO
11 NIPSEY HERE; IS THAT CORRECT?

12 A YES.

13 Q STANDING TO HIS RIGHT SIDE?

14 A (NODS HEAD).

15 Q AND HE PUTS HIS -- IT LOOKS LIKE HE PUTS
16 HIS ARM AROUND HER AT 13:59:33 AND HE LEANS BACK ON THE
17 CAR. DO YOU SEE THAT?

18 A YES.

19 Q DO YOU KNOW WHAT HAPPENED AT THAT MOMENT?

20 A NO.

21 Q DO YOU KNOW WHETHER SHE TOOK A PICTURE WITH
22 HIM AT THAT MOMENT?

23 A I DON'T KNOW.

24 Q OKAY. IN ANY EVENT, SHE APPEARS TO GO BACK
25 TO THE WHITE CAR. DO YOU SEE THAT?

26 A YES.

27 Q DID YOU NOTICE THAT AT THAT TIME OR ARE YOU
28 SEEING IT FOR THE FIRST TIME NOW?

1 A FIRST TIME.

2 Q OKAY. AFTER SHE RETURNS TO THE CAR,
3 THERE'S STILL THE SAME GROUP OF MEN STANDING THERE,
4 INCLUDING NIPSEY AND ERIC, CORRECT?

5 A YES.

6 Q IN FACT, UP HERE IT LOOKS LIKE NIPSEY IS
7 TALKING DIRECTLY TO HOLDER WHILE RIMPAU AND YOU ARE
8 STANDING RIGHT THERE IN THE GROUP; IS THAT TRUE?

9 A YES.

10

11 (EXHIBIT 11 PLAYED.)

12

13 BY MR. MC KINNEY:

14 Q AND WE'RE CONTINUING TO WATCH THE VIDEOS
15 NOW AT 14:01:15. IT APPEARS THAT NIPSEY'S TALKING
16 DIRECTLY TO HOLDER AND HE'S EVEN GESTURING WITH HIS RIGHT
17 ARM A LITTLE BIT. DO YOU SEE THAT?

18 A UH-HUH.

19 MS. AENLLE-ROCHA: IS THAT A "YES"?

20 THE WITNESS: YES.

21 BY MR. MC KINNEY:

22 Q IS IT DURING THIS TIME THAT THEY WERE
23 HAVING THE CONVERSATION THAT YOU PREVIOUSLY TESTIFIED
24 ABOUT --

25 A YES.

26 Q -- REGARDING SNITCHING?

27 A YES.

28 Q AT 14:01:40 A BLACK SUV PULLS UP AND IT'S

1 TO THE SOUTH SIDE OF YOU OR TO THE RIGHT SIDE OF THE
2 IMAGES AS WE LOOK AT IT HERE, CORRECT?

3 A YES.

4 Q DO YOU RECOGNIZE THAT CAR?

5 A I DON'T KNOW THE CAR OFFHAND. I THINK I
6 RECALL WHO WAS IN IT THAT DAY. I'M NOT SURE. THAT DAY
7 WAS THE FIRST TIME I SAW THAT CAR, BUT I THINK KERRY WAS
8 IN THAT CAR.

9 Q OKAY.

10 MR. MC KINNEY: MY MAC'S ABOUT TO LOSE POWER IF I
11 DON'T PLUG IT IN, SO I'M GLAD IT TOLD US.

12 MS. AENLLE-ROCHA: DID YOU SAY KERRY WAS IN THE
13 CAR?

14 THE WITNESS: YES.

15 MS. AENLLE-ROCHA: K-E-R-R-Y, K-E-R-R-I?

16 MR. MC KINNEY: K-E-R-R-Y.

17 THE WITNESS: I JUST CALL HIM KERRY.

18 MS. AENLLE-ROCHA: MALE OR FEMALE?

19 THE WITNESS: MALE.

20 MS. AENLLE-ROCHA: THANK YOU.

21 BY MR. MC KINNEY:

22 Q OKAY. I PAUSED IT AT 14:02:29. THIS
23 PERSON HERE DIRECTLY ACROSS FROM NIPSEY WITH A
24 LIGHT-COLORED JACKET, LOOKS LIKE THE PASSENGER OF THE
25 BLACK CAR WALKED OUT AND WENT UP TO NIPSEY AND IS GREETING
26 HIM. THAT'S KERRY LATHAN, CORRECT?

27 A YES.

28 Q AND THIS PERSON WALKING AWAY FROM THE GROUP

1 IS ERIC HOLDER, CORRECT?

2 A YES.

3 Q AT 14:02:37 IT APPEARS THAT HOLDER GOES
4 BACK INTO THE MASTER BURGER RESTAURANT. DID YOU SEE THAT?

5 A YES.

6 Q NOW, YOU TESTIFIED AT SOME POINT YOU SAW
7 HOLDER WALK BACK OVER TO THE CAR, CORRECT?

8 A YES.

9 Q AT 14:03:28 IT APPEARS HOLDER HAS WALKED UP
10 TO THE DRIVER'S SIDE OF THE CAR. IS THAT WHAT YOU WERE
11 TESTIFYING ABOUT SEEING?

12 A YES.

13 MS. AENLLE-ROCHA: AND WE'RE TALKING ABOUT THE
14 WHITE CAR, CORRECT, MR. DOUGLAS?

15 THE WITNESS: YES.

16 BY MR. MC KINNEY:

17 Q AT 14:04 IT APPEARS HE WALKS FROM THE WHITE
18 CAR BACK INTO MASTER BURGER; IS THAT CORRECT?

19 A YES.

20 Q MEANWHILE, YOU, NIPSEY, RIMPAU, LATHAN ARE
21 STILL GATHERED AT THE TOP OF THE VIDEO HAVING A
22 CONVERSATION, CORRECT?

23 A YES.

24 Q AND GENERALLY DURING THIS TIME AFTER -- IS
25 WHAT YOU DESCRIBED AS PEOPLE JUST STOPPING BY SAYING
26 HELLO, GETTING AUTOGRAPHS, THAT KIND OF THING, CORRECT?

27 A YES.

28 Q I WANT TO CALL YOUR ATTENTION NOW BACK TO

1 THE TOP OF THE VIDEO AT THE MASTER BURGER DOOR. IT
2 APPEARS THAT HOLDER WALKS OUT AT 14:04:55 AS THE WHITE CAR
3 PARKS. HE WALKS BACK OVER TO YOUR GROUP AGAIN. DO YOU
4 SEE THAT?

5 HE LOOKS LIKE HE SHAKES RIMPAU'S HAND OR
6 DAPS HIM UP, MEANING KIND OF GIVING HIM A POUND, AND THEN
7 HE IMMEDIATELY LEAVES WITH SOMETHING IN HIS HANDS BACK
8 TOWARD THE WHITE CAR. IS THAT WHAT THE VIDEO SHOWS?

9 A YES.

10 Q DO YOU RECALL THAT HAPPENING?

11 A NO.

12 Q AS THE CAR PULLS OUT OF THE SPACE AT
13 14:05:30 AT THE TOP OF THE SCREEN, IT STILL APPEARS THAT
14 YOU WERE THERE. YOU'RE HOLDING SOMETHING; IS THAT RIGHT?

15 A YES.

16 Q WHAT DID YOU HAVE IN YOUR HANDS?

17 A MY LUNCH, TOSTADA BOWL.

18 Q AND THE WHITE CAR LEAVES THE PARKING LOT AT
19 14:05:49.

20 AND AT THE TOP OF THE SCREEN IT APPEARS TO
21 BE YOU, RIMPAU, LATHAN LEANING AGAINST THE CAR, NIPSEY IN
22 FRONT OF HIM; IS THAT CORRECT?

23 A YES.

24 Q THIS PERSON IN THE PINK SHIRT, DO YOU KNOW
25 HIM? DO YOU KNOW SOMEONE NAMED SHERMI?

26 DO YOU RECALL THE DRIVER OF -- WHO BROUGHT
27 LATHAN?

28 A YES.

1 Q OKAY. NOW, YOU STAYED OUT WITH THIS GROUP
2 OF MEN HAVING CONVERSATION FOR A PERIOD OF TIME BEFORE YOU
3 LEFT; IS THAT CORRECT?

4 A YES.

5 Q WHERE DID YOU GO WHEN YOU LEFT?

6 A I WALKED INTO THE MARATHON STORE AND FROM
7 THE MARATHON STORE THERE'S ANOTHER DOOR THAT LEADS INTO
8 THE INSURANCE COMPANY. SO THERE'S A BREAK ROOM IN THE
9 BACK OF THE MARATHON STORE. SO YOU HAVE THE MARATHON
10 STORE, THERE'S A STOREROOM, AND THEN THE INSURANCE. SO WE
11 HAVE A BREAK ROOM.

12 Q IS THAT WHERE YOU WENT?

13 A YES.

14 Q WHAT DID YOU GO THERE TO DO?

15 A TO EAT MY LUNCH.

16 Q WHEN YOU LEFT, DID YOU LEAVE MR. LATHAN,
17 NIPSEY, RIMPAU, AND LATHAN'S NEPHEW SHERMI IN THE PARKING
18 LOT?

19 A YES.

20 Q NOW, I'M GONNA FAST FORWARD A LITTLE BIT TO
21 14:10.

22 MS. AENLLE-ROCHA: AND YOU LET -- JUST FOR THE
23 RECORD, YOU LET IT CONTINUE TO PLAY UNTIL APPROXIMATELY
24 14:07?

25 MR. MC KINNEY: YES, AND I'M GONNA START IT BACK UP
26 AT 14:10:38.

27 Q AND DO YOU SEE YOURSELF WALKING INTO THE
28 STORE AT THIS POINT?

1 A YES.

2 Q SO THAT WAS YOU WALKING INTO THAT DOOR,
3 CORRECT?

4 A YES.

5 Q HERE'S NIPSEY; IS THAT CORRECT? WITH THE
6 WHITE RAG ON HIS HEAD?

7 A YES.

8 Q MR. LATHAN UP AGAINST THE CAR?

9 A YES.

10 Q RIMPAU AND SHERMI, CORRECT?

11 A YEAH.

12 Q LET ME PAUSE IT HERE BECAUSE OBVIOUSLY YOU
13 COULDN'T SEE WHAT WAS HAPPENING AT THIS POINT, CORRECT?

14 A YES.

15 Q PICK UP THE STORY WHERE YOU ENTER THE BREAK
16 ROOM. WHAT HAPPENED NEXT?

17 MS. AENLLE-ROCHA: WELL, LET ME -- I'M SORRY. LET
18 ME INTERRUPT. PARDON ME.

19 MR. MC KINNEY SAID WHILE WATCHING THIS
20 VIDEO THAT YOU ENTERED THAT DOOR. CAN YOU TELL US WHICH
21 DOOR YOU ENTERED AND -- SO THAT WE KNOW IN WATCHING THIS
22 VIDEO AND THE RECORD REFLECTS THAT?

23 SO WHICH DOOR?

24 THE WITNESS: WHERE IT SAYS THE MARATHON NEXT TO
25 THE T-MOBILE SIGN. TO THE LEFT OF THE T-MOBILE.

26 MS. AENLLE-ROCHA: AND THAT'S IN THE TOP ALMOST
27 RIGHT CORNER OF THE -- OF THE PICTURE, CORRECT?

28 THE WITNESS: YES.

1 MS. AENLLE-ROCHA: OKAY. GO AHEAD.

2 SO NOW YOU'RE GONNA PICK UP WHEN YOU WENT
3 INTO THE BREAK ROOM.

4 THE WITNESS: SO I WALKED INTO THE MARATHON STORE,
5 WALKED AROUND THE COUNTER. WHEN I GOT TO THE BREAK ROOM,
6 SAT DOWN WITH MY SALAD, I HEARD THE GUNSHOTS. I HEARD
7 MAYBE A FEW GUNSHOTS. I STARTED RUNNING OUT, RUNNING OUT
8 TO THE FRONT. I HEARD SOME MORE GUNSHOTS. WHEN I GOT TO
9 THE FRONT DOOR, SEEN NIPSEY ON THE GROUND AND SEEN HOLDER
10 RUNNING.

11 BY MR. MC KINNEY:

12 Q OKAY. WHERE DID YOU SEE NIPSEY ON THE
13 GROUND AT?

14 A FROM THAT ANGLE I SAW MAYBE BY THAT WHITE
15 CAR, UP IN THERE. I COULD JUST SEE HIM ON THE GROUND.

16 Q WHEN YOU SAY "WHITE CAR," ARE YOU REFERRING
17 TO -- WELL, YOU KNOW WHAT, BETTER YET, LET ME SHOW YOU AN
18 EXHIBIT. GRAND JURY EXHIBIT NUMBER 15.

19 I'M SHOWING YOU GRAND JURY EXHIBIT NUMBER
20 15. DO YOU RECOGNIZE WHAT'S SHOWN IN THIS EXHIBIT?

21 A YES.

22 Q WHAT DOES IT SHOW?

23 A IT SHOWS ME HELPING HIM.

24 Q WHEN YOU RAN -- AFTER HEARING THE SHOTS AND
25 RUNNING OUT OF THE MARATHON STORE BACK TOWARD THE PARKING
26 LOT, YOU TESTIFIED THAT YOU SAW NIP DOWN; IS THAT CORRECT?

27 A YES.

28 Q NIPSEY DOWN.

1 IS THIS WHERE YOU SAW HIM?

2 A YES.

3 Q OKAY. AND IT APPEARS IN THIS EXHIBIT THAT
4 YOU'RE LEANING DOWN OVER HIM TRYING TO RENDER SOME KIND OF
5 FIRST AID; IS THAT CORRECT?

6 A YES.

7 Q YOU TESTIFIED THAT ONE OF THE OTHER THINGS
8 YOU SAW WHEN YOU CAME OUT WAS HOLDER RUNNING AWAY. DID
9 YOU TESTIFY THAT WAY?

10 A YES.

11 Q LET ME GO BACK TO GRAND JURY EXHIBIT NUMBER
12 4.

13 CAN YOU POINT TO OR DESCRIBE SOMETHING ON
14 THIS EXHIBIT THAT SHOWS WHERE YOU SAW HOLDER AS YOU
15 REENTERED THE PARKING LOT FROM THE STORE?

16 A I THINK IT WAS SOMEWHERE IN THIS AREA, AN
17 AREA RIGHT BY MASTER BURGERS, UP IN THAT AREA SOMEWHERE,
18 ABOUT TO TURN THAT CORNER.

19 Q WHEN YOU SAY "TURN THE CORNER," ARE YOU
20 REFERRING TO THE CORNER AT THE EDGE OF THE MASTER BURGER
21 BUILDING AND THE ALLEY?

22 A YES.

23 MS. AENLLE-ROCHA: SO HE WAS RUNNING TOWARDS
24 CRENSHAW BOULEVARD?

25 THE WITNESS: YES.

26 MS. AENLLE-ROCHA: IN THAT DIRECTION?

27 THE WITNESS: YES.

28 //

1 BY MR. MC KINNEY:

2 Q WHAT PART OF HIS BODY DID YOU SEE?

3 A I JUST REMEMBER SEEING HIM, JUST -- YOU
4 KNOW, I -- I HEARD THE YELLING. I LOOKED, I SEEN NIP ON
5 THE GROUND, AND JUST LOOKED UP AND SEEN -- I JUST SAW
6 HIM -- BASICALLY, THE BACK OF HIS HEAD.

7 Q OKAY. SO YOU SAW SOMEONE WHO YOU BELIEVE
8 WAS HOLDER FOR A SPLIT SECOND RUNNING AWAY FROM THE
9 DIRECTION OF THE PARKING LOT, CORRECT?

10 A YES.

11 Q DID YOU ASSUME THAT IT WAS THE SAME PERSON
12 WHO NIP HAD CALLED "SHITTY" EARLIER?

13 A I DIDN'T ASSUME. I KNEW IT. YEAH, I KNEW
14 IT WAS.

15 Q OKAY. HOW DID YOU KNOW IT WAS HIM?

16 A I JUST KNOW HIM WHEN I SEEN HIM. WE HAD
17 JUST -- PRIOR JUST TALKED TO HIM.

18 Q OKAY. WAS THE PERSON YOU SAW SHIRTLESS
19 WHEN YOU SAW HIM RUNNING IN THAT DIRECTION?

20 A AT THE TIME, I REALLY COULDN'T SAY. AT THE
21 TIME, LIKE I SAID, I JUST LOOKED UP AND REMEMBER SEEING
22 HIM AND SEEN MY BOY ON THE GROUND.

23 Q OKAY. SO IT WAS AN ASSUMPTION THAT YOU
24 MADE BASED ON THAT SPLIT-SECOND OBSERVATION SEEING A
25 PERSON RUNNING AWAY FROM BEHIND, CORRECT?

26 A YEAH.

27 Q NOW, WE SAW IN THAT LAST EXHIBIT YOU
28 RENDERING FIRST AID TO NIPSEY. DID HE HAVE ANY OBVIOUS

1 INJURIES THAT YOU SAW?

2 A YES.

3 Q CAN YOU JUST GENERALLY DESCRIBE THE KINDS
4 OF INJURIES THAT YOU SAW, WHAT YOU SAW?

5 A HE HAD A BULLET HOLE -- HE HAD A BULLET
6 HOLE BETWEEN HIS ARM RIGHT HERE. I WAS HOLDING THE BLOOD
7 AND THE BULLET RIGHT HERE. AND HE HAD A BULLET HOLE IN
8 HIS STOMACH.

9 Q SO YOU INDICATED UNDER THE ARM AND YOU TOOK
10 YOUR RIGHT HAND AND PUT IT UNDER -- SORT OF UNDER YOUR
11 LEFT ARMPIT; IS THAT CORRECT?

12 A YES.

13 Q AND YOU ALSO SAID THERE APPEARED TO BE
14 ANOTHER BULLET HOLE ON HIS LOWER RIGHT ABDOMEN?

15 A YES.

16 Q WAS HE SAYING ANYTHING TO YOU WHEN YOU GOT
17 UP CLOSE TO HIM?

18 A NO. HE WAS -- HE WAS STILL BREATHING, YOU
19 KNOW, LIKE BITING HIS TONGUE A LITTLE BIT, THEN HE -- HE
20 WAS JUST TRYING TO FIGHT IT, TRYING TO GAIN CONSCIOUSNESS,
21 AND HE WAS GOING OUT. AND HE JUST KEPT -- HE JUST KEPT
22 FIGHTING.

23 Q DID YOU STAY WITH HIM UNTIL OTHER PEOPLE
24 ARRIVED?

25 A YES.

26 Q AT SOME POINT DID HIS BROTHER ARRIVE?

27 A YES.

28 Q WHAT'S HIS BROTHER'S NAME?

1 A SAM.

2 Q HOW LONG DID IT TAKE -- APPROXIMATELY. I
3 KNOW YOU WEREN'T COUNTING OR LOOKING AT A WATCH, BUT
4 APPROXIMATELY -- OR HOW WOULD YOU DESCRIBE HOW LONG BEFORE
5 SAM ARRIVED?

6 A HE GOT THERE PRETTY FAST. A COUPLE MINUTES
7 MAYBE.

8 Q AND AT SOME POINT DID POLICE OFFICERS OR
9 PARAMEDICS ARRIVE?

10 A YES.

11 Q WHO ARRIVED FIRST, IF YOU REMEMBER?

12 A POLICE.

13 Q AND DID YOU NOTICE WHETHER ANYONE ELSE
14 APPEARED TO BE INJURED OTHER THAN NIPSEY?

15 A AT THE TIME ONLY PERSON I SAW WAS NIP.

16 Q YOU WORK IN THIS PARKING LOT AND YOU HELPED
17 THE FAMILY WITH SEVERAL OF THE BUSINESSES THERE, CORRECT?

18 A YES.

19 Q ARE YOU AWARE OF ANY VIDEO CAMERAS THAT ARE
20 AFFIXED TO THE STRIP MALL?

21 A YES.

22 Q ARE THERE A NUMBER OF CAMERAS AFFIXED TO
23 THE OUTSIDE OF THE MARATHON STORE?

24 A YES.

25 Q DO THOSE CAMERAS -- OR WERE THOSE CAMERAS
26 WORKING THAT DAY?

27 A YES.

28 Q WERE THEY RECORDING?

1 A NO.

2 Q THOSE CAMERAS -- OF ALL THE CAMERAS IN THIS
3 AREA, THERE ARE CAMERAS IN FRONT OF THIS STORE THAT WOULD
4 BE THE CLOSEST TO WHAT HAPPENED, CORRECT?

5 A YES.

6 Q HAVE THOSE CAMERAS EVER RECORDED TO YOUR
7 KNOWLEDGE?

8 A NEVER.

9 Q SO THOSE CAMERAS THEN JUST SHOW A LIVE
10 FEED?

11 A YES.

12 Q INSIDE THE STORE?

13 A YES.

14 Q LET ME GO BACK TO GRAND JURY EXHIBIT 8.
15 YOU TESTIFIED THAT THIS IS THE WAY ERIC HOLDER LOOKED WHEN
16 HE FIRST ARRIVED AND HAD THAT CONVERSATION WITH NIPSEY,
17 CORRECT?

18 A YES.

19 Q DO YOU SEE ANY ROLLIN 60'S SYMBOLS OR GANG
20 TATTOOS IN THIS PHOTOGRAPH ON HIM?

21 A YES.

22 Q WHAT DO YOU SEE?

23 A LOOKS LIKE "SIXTIES" ON HIS STOMACH.

24 Q OKAY. AND THAT WOULD BE THESE VERY LARGE
25 LETTERS HERE?

26 A YEAH.

27 Q ANYTHING ELSE THAT YOU COULD SEE IN THIS
28 PICTURE?

1 A NO.

2 Q DID YOU SEE ANY WEAPONS ON HIM THAT DAY?

3 A NO.

4 Q I JUST WANT TO LOOK THROUGH MY EXHIBITS,
5 SIR, AND SEE IF THERE'S ANY OTHER EXHIBITS I WANT TO SHOW
6 YOU.

7

8 (PAUSE IN PROCEEDINGS.)

9

10 MR. MC KINNEY: ALL RIGHT. THANK YOU. I HAVE NO
11 FURTHER QUESTIONS.

12 MS. AENLLE-ROCHA: MR. DOUGLAS, WE'RE NOT FINISHED
13 YET. THE GRAND JURORS ALSO GET TO ASK QUESTIONS. SO LET
14 ME SEE IF THEY HAVE ANY QUESTIONS FOR YOU.

15 IF THERE ARE ANY QUESTIONS FOR MR. DOUGLAS,
16 PLEASE RAISE YOUR HANDS SO THE SERGEANT-AT-ARMS CAN
17 COLLECT THEM.

18

19 (PAUSE IN PROCEEDINGS.)

20

21 BY MR. MC KINNEY:

22 Q OKAY. LET ME GO BACK TO GRAND JURY EXHIBIT
23 NUMBER 15. IN THIS PHOTOGRAPH YOU TESTIFIED THAT YOU ARE
24 KNEELING AND ATTENDING TO NIPSEY WHO'S ON THE GROUND IN
25 FRONT OF YOU, CORRECT?

26 A YES.

27 Q DO YOU SEE THIS MAN OVER HERE OFF TO THE
28 LEFT BEHIND THE WHITE CAR WITH THE LICENSE PLATE ENDING IN

1 605?

2 A YES.

3 Q IS THAT KERRY LATHAN?

4 A YES.

5 Q AND YOU PREVIOUSLY TESTIFIED THAT -- OR DID
6 YOU, THAT YOU KNEW WHO HE WAS?

7 A YES.

8 Q HOW DO YOU KNOW KERRY?

9 A JUST ONE OF THE OLDER HOMIES IN THE
10 NEIGHBORHOOD.

11 Q OKAY. AND WHAT ABOUT -- I ASKED YOU ABOUT
12 HIS NEPHEW OR THE DRIVER OF THE CAR. IN THIS PHOTOGRAPH
13 THERE'S A MAN STANDING UP IN DARK-COLORED PANTS IN THE
14 PINK SHIRT. DO YOU RECOGNIZE HIM?

15 A JUST -- I RECOGNIZE HIM JUST AS THE ONE
16 THAT CAME WITH KERRY THAT DAY.

17 Q OKAY. DID YOU KNOW HIM BEFORE THAT DAY?

18 A OFFHAND, NO, I DON'T THINK SO.

19 Q OKAY.

20 MS. AENLLE-ROCHA: AND THAT WAS A GRAND JUROR
21 QUESTION.

22 MR. MC KINNEY: YES. THAT WAS A QUESTION. THE
23 QUESTION FROM THE GRAND JURY WAS DOES HE KNOW THE OTHER
24 TWO VICTIMS.

25 Q SO I ASKED YOU EARLIER IF YOU WERE A ROLLIN
26 60'S GANG MEMBER, CORRECT?

27 A YES.

28 Q HOW DID YOU ANSWER THE QUESTION?

1 A YES, BUT I'M NO LONGER -- YOU KNOW, I'M A
2 GANG -- YOU KNOW, I WAS RAISED IN THE NEIGHBORHOOD. NOW I
3 TRY TO STOP PEOPLE FROM BECOMING GANGBANGERS. SO NIPSEY
4 WAS ONE THAT -- NIPSEY'S ONE OF THE PEOPLE THAT I -- I
5 TAUGHT NOT TO DO THE GANGBANGING, DO SOMETHING ELSE. I
6 GAVE HIM OTHER OPTIONS THROUGH MUSIC, BASKETBALL,
7 FOOTBALL, DO SOMETHING ELSE. SO SINCE I CAME HOME FROM
8 PRISON, I'VE BEEN TRYING TO GET PEOPLE OUT OF THE GANGS.

9 Q OKAY. NOW, WHEN IT COMES TO GETTING OUT OF
10 A GANG -- YOU CAN AGREE OR DISAGREE WITH WHAT I'M ABOUT TO
11 SAY, OKAY?

12 WHEN IT COMES TO GETTING OUT OF A GANG,
13 SOMETIMES I'VE HEARD IT DESCRIBED AS WHEN YOU'RE FROM A
14 NEIGHBORHOOD AND YOU'RE PART OF A GANG, YOU DON'T JUST GET
15 OUT OF IT, YOU REDIRECT YOUR ENERGIES, YOU REDIRECT YOUR
16 FOCUS, YOU STOP ENGAGING IN CERTAIN CRIMINAL ACTIVITIES,
17 BUT YOU'RE STILL LOYAL TO YOUR NEIGHBORHOOD AND TO YOUR
18 GANG. IS THAT A TRUE STATEMENT OR HOW WOULD YOU CHANGE
19 THAT?

20 A I WOULDN'T SAY YOU GOT TO BE LOYAL TO YOUR
21 GANG. YOU'RE ALWAYS GONNA BE AFFILIATED WITH YOUR GANG
22 JUST BY WHERE YOU LIVE AT. IF YOUR MOTHER GREW UP IN
23 INGLEWOOD, MORE THAN LIKELY YOU'RE GONNA BE AFFILIATED
24 WITH INGLEWOOD EVEN IF YOU BANG OR DON'T BANG. IT'S JUST
25 THAT'S THE SECTION YOU GREW UP IN. DOESN'T MATTER IF
26 YOU'RE FROM INGLEWOOD OR NOT. IT DEPENDS WHERE YOUR MOMMA
27 GREW UP AT.

28 Q OKAY. SO YOU FIRST TESTIFIED WHEN YOU

1 FIRST MET NIPSEY YOU TRIED TO REFOCUS HIM AWAY FROM GANG
2 ACTIVITIES OR CRIMINAL ACTIVITIES INTO SOMETHING ELSE; IS
3 THAT CORRECT?

4 A YES.

5 Q SO THAT MEANS THAT YOU WERE BOTH AFFILIATED
6 WITH THE 60'S AT THE SAME TIME -- AT THAT TIME, CORRECT?

7 A AT THAT TIME -- AT THE TIME WHEN I MET
8 NIPSEY IN 2003, HE WAS -- HE WAS AT THAT STAGE WHERE HE
9 WASN'T FROM THE HOOD. HE WAS GONNA BE FROM THE HOOD
10 EVENTUALLY AND I TOLD HIM THE INS AND OUTS OF THE HOOD
11 AND -- I JUST TOLD HIM ABOUT THE HOOD AND HE MADE
12 DECISIONS ON HIS OWN. HE HUNG WITH THE HOMIES FOR A WHILE
13 AND HE WEIGHED HIS OPTIONS AND HE CHOSE -- HE MADE THE
14 RIGHT DECISION. HE CHOSE TO DO SOMETHING DIFFERENT.

15 Q OKAY. AND WHAT ABOUT HOLDER? WHEN DID YOU
16 FIRST BECOME AWARE OF HIM?

17 DO YOU REMEMBER WHAT YEAR -- OR IF YOU CAN,
18 JUST COUNTING BACK FROM THE TIME THIS HAPPENED, HOW LONG
19 IT HAD BEEN THAT YOU HAD HEARD OF HIM FOR THE FIRST TIME?

20 A BASICALLY, I MET EVERYBODY '03, '04, RIGHT
21 UP IN THERE. LIKE I SAID, THEY WERE YOUNGSTERS BACK THEN.
22 I THINK NIPSEY MIGHT HAVE BEEN 19 OR SOMETHING WHEN I
23 FIRST MET HIM. EIGHTEEN, 19. SO THEY WERE ALL YOUNG.

24 MS. AENLLE-ROCHA: WERE YOU IN THE ROLLIN 60'S AT
25 THE SAME TIME AS HOLDER? OR HAD YOU ALREADY LEFT THAT --
26 LEFT THE GANG LIFE?

27 THE WITNESS: NO, I HAD ALREADY LEFT IT, BUT I
28 ALWAYS BEEN THERE. YOU KNOW, I ALWAYS BEEN THERE JUST

1 DEALING WITH THE YOUNGSTERS, YOU KNOW. THAT'S JUST MY
2 NEIGHBORHOOD. THAT'S WHERE I'M AT. THAT'S -- THAT'S
3 WHERE I'M GONNA BE AT. LIKE I SAID, I'M JUST THERE TO --
4 TO -- THE ONES THAT LISTEN, THEY LISTEN. THE ONES THAT
5 WANT TO CONTINUE TO GANGBANG, IT'S ON ME JUST TO TELL THEM
6 WHAT'S GONNA HAPPEN. IF YOU DO THIS, THIS IS GONNA
7 HAPPEN. IF YOU DO THAT, THAT CAN HAPPEN. I'M JUST -- I'M
8 JUST HERE TO -- THAT'S JUST MY JOB, JUST TO LET THEM KNOW,
9 YOU KNOW, RIGHT FROM WRONG. THAT'S ALL I CAN DO.

10 MS. AENLLE-ROCHA: WHEN PEOPLE LIVE IN THE
11 NEIGHBORHOOD, DO THEY KNOW WHO THE GANG MEMBERS ARE?

12 THE WITNESS: YEAH.

13 MS. AENLLE-ROCHA: YES?

14 THE WITNESS: YES.

15 MS. AENLLE-ROCHA: OKAY.

16 AND THAT WAS SOMEWHAT PARAPHRASING A GRAND
17 JUROR QUESTION.

18 ANY ADDITIONAL QUESTIONS FROM ANY GRAND
19 JURORS?

20
21 (PAUSE IN PROCEEDINGS.)
22

23 MS. AENLLE-ROCHA: AND THIS IS A GRAND JUROR
24 QUESTION: IN LOOKING AT EXHIBIT 15, THERE IS A PERSON TO
25 THE RIGHT OF YOU RIGHT NEXT TO THE BLACK VEHICLE. DO YOU
26 KNOW WHO THAT PERSON IS?

27 THE WITNESS: IT LOOKS LIKE RIMPAU.

28 MS. AENLLE-ROCHA: RIMPAU? OKAY.

1 AND DID THE CONVERSATION BETWEEN MR. HOLDER
2 AND MR. HUSSLE, NIPSEY, CHANGE DURING THE ENTIRE TIME THAT
3 YOU WERE THERE?

4 THE WITNESS: NO. THE WHOLE TIME I WAS THERE --
5 LIKE I SAID, I NEVER WOULD IMAGINE THAT. I NEVER -- I
6 NEVER HAD A CLUE. JUDGING BY THE CONVERSATION, NEVER HAD
7 A CLUE THAT THAT WOULD HAPPEN, YOU KNOW. HAD THE
8 CONVERSATION GOT ANYWHERE HEATED, I WOULD HAVE NEVER LEFT.
9 YOU KNOW, I WOULD HAVE ESCORTED HOLDER OUT OF THERE. YOU
10 KNOW, NIPSEY'S AN ARTIST, SO IF HE'S FEELING
11 UNCOMFORTABLE, I'M GONNA MAKE SURE HE LEAVES. SO HE NEVER
12 FELT UNCOMFORTABLE AROUND HOLDER.

13 MS. AENLLE-ROCHA: ALL RIGHT. THANK YOU.

14 MADAM FOREPERSON, IF YOU WOULD LOWER THE
15 MONITOR AND PLEASE AGAIN REMIND THE WITNESS OF THE
16 ADMONITION AND THEN WE'LL TAKE A BREAK.

17 JUST A SECOND, MR. DOUGLAS. WE'RE ALMOST
18 FINISHED.

19 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
20 PREVIOUSLY BEEN ADMONISHED REGARDING THE SECRECY OF THESE
21 PROCEEDINGS AND MUST HEED THAT ADMONISHMENT.

22 THE WITNESS: YES.

23 MS. AENLLE-ROCHA: THANK YOU SO MUCH, MR. DOUGLAS.
24 YOU'RE EXCUSED. AND THE SERGEANT-AT-ARMS WILL ESCORT YOU
25 FROM THE HEARING ROOM.

26 THE WITNESS: THANK YOU.

27 (THE WITNESS EXITED THE GRAND JURY
28 HEARING ROOM.)

1 MS. AENLLE-ROCHA: MADAM FOREPERSON, LET'S GO AHEAD
2 AND TAKE OUR RECESS. IT'S TWO O'CLOCK. WE'LL RECESS
3 UNTIL 2:15.

4 SO ORDERED?

5 THE FOREPERSON: SO ORDERED.

6 MS. AENLLE-ROCHA: THANK YOU.

7 GRAND JURORS ARE ADMONISHED AND ADVISED NOT
8 TO DISCUSS THIS MATTER OR FORM ANY OPINION UNTIL SUCH TIME
9 AS IT IS GIVEN TO YOU FOR DELIBERATIONS.

10 THANK YOU. WE ARE IN RECESS.

11 PLEASE ESCORT THE D.A. FROM THE HEARING
12 ROOM.

13
14 (DEPUTY DISTRICT ATTORNEY MC KINNEY
15 EXITED THE GRAND JURY HEARING ROOM.)

16
17 (RECESS.)
18

19 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
20 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER.

21 SO ORDERED?

22 THE FOREPERSON: SO ORDERED.

23 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

24 PLEASE LET THE RECORD REFLECT THAT THE SAME
25 NUMBER AND THE SAME GRAND JURORS WHO WERE PRESENT AT OUR
26 LAST BREAK ARE PRESENT. ALSO PRESENT IS DEPUTY DISTRICT
27 ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND JURY LEGAL
28 ADVISOR.

1 AND MR. MC KINNEY ADVISED ME THAT -- YOUR
2 NEXT WITNESS IS MR. LATHAN?

3 MR. MC KINNEY: YES.

4 MS. AENLLE-ROCHA: OKAY.

5 MR. MC KINNEY: PEOPLE CALL KERRY LATHAN.

6
7 (THE WITNESS ENTERED THE GRAND JURY
8 HEARING ROOM.)

9
10 MS. AENLLE-ROCHA: GOOD AFTERNOON, SIR.

11 PLEASE LET THE RECORD REFLECT THAT THIS
12 WITNESS IS TESTIFYING FROM THE WHEELCHAIR.

13 GOOD AFTERNOON, SIR. DID YOU LEAVE YOUR
14 TELEPHONE OUTSIDE?

15 THE WITNESS: YES.

16 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
17 DEVICES ON YOU?

18 THE WITNESS: NO.

19 MS. AENLLE-ROCHA: I NEED YOU TO PLEASE -- NO.

20 LET'S GO AHEAD AND HAVE THE FOREPERSON
21 SWEAR YOU AND THEN I'LL HAVE YOU TELL US YOUR NAME.

22 SO I NEED YOU TO RAISE YOUR RIGHT HAND AND
23 THAT LOVELY LADY THERE, SHE'S GOING TO SWEAR YOU IN.

24 GO AHEAD, MADAM FOREPERSON.

25 //

26 //

27 //

28 //

1 KERRY LOUIS LATHAN,
2 CALLED AS A WITNESS BEFORE THE GRAND JURY
3 OF THE COUNTY OF LOS ANGELES, WAS SWORN
4 AND TESTIFIED AS FOLLOWS:
5

6 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
7 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
8 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
9 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
10 YOU GOD?

11 THE WITNESS: I DO.

12 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

13 AND NOW I NEED YOU TO TELL US YOUR FULL
14 NAME AND THEN SPELL IT FOR US. AND SPEAK RIGHT INTO THAT
15 MICROPHONE.

16 THE WITNESS: KERRY LOUIS LATHAN SR., K-E-R-R-Y,
17 L-A-T-H-A-N. LOUIS, L-O-U-I-S.

18 MS. AENLLE-ROCHA: IS LOUIS YOUR MIDDLE NAME, SIR?

19 THE WITNESS: YES.

20 MS. AENLLE-ROCHA: OKAY. AND DID YOU SAY SENIOR OR
21 JUNIOR?

22 THE WITNESS: SENIOR.

23 MS. AENLLE-ROCHA: OKAY. THANK YOU, SIR.

24 THERE'S SOME THINGS THAT I NEED TO GO OVER
25 WITH YOU BEFORE WE START THE QUESTIONING. THE FIRST IS --
26 AND THIS IS WHAT I TELL ALL OF OUR CIVILIAN WITNESSES.
27 IT'S VERY IMPORTANT THAT WHEN YOU'RE TESTIFYING THAT YOU
28 ANSWER QUESTIONS THAT WOULD CALL FOR A YES OR A NO WITH A

1 "YES" OR A "NO" INSTEAD OF AN "UH-HUH" OR A "YEAH" WHICH
2 CAN BE SOMEWHAT AMBIGUOUS. SO IF YOU FORGET AND I SAY DID
3 YOU MEAN YES OR DID YOU MEAN NO, I'M NOT TRYING TO BUG
4 YOU. I'M JUST TRYING TO MAKE SURE THAT YOUR ANSWER IS
5 ACCURATELY REFLECTED IN OUR RECORD.

6 DO YOU UNDERSTAND, SIR?

7 THE WITNESS: YES.

8 MS. AENLLE-ROCHA: OKAY. AND THE NEXT IS I'M GONNA
9 ASK THAT YOU WAIT UNTIL MR. MC KINNEY ANSWERS -- ASKS THE
10 QUESTION COMPLETELY AND FINISHES BEFORE YOU GIVE US YOUR
11 ANSWER EVEN IF YOU THINK THAT YOU KNOW WHAT THE QUESTION
12 IS BECAUSE I NEED TO GET THAT ON THE RECORD AS WELL.
13 OKAY?

14 THE WITNESS: YES, MA'AM.

15 MS. AENLLE-ROCHA: OKAY.

16 NOW, MR. LATHAN, I ALSO NEED TO PUT ON THE
17 RECORD THAT I HAVE BEFORE ME A USE IMMUNITY AGREEMENT, AND
18 THIS INDICATES THAT YOU HAVE SIGNED THIS AGREEMENT AND YOU
19 ARE REPRESENTED BY A LAWYER. AND YOUR LAWYER IS
20 LAUREN NORIEGA; IS THAT CORRECT?

21 THE WITNESS: YES, MA'AM.

22 MS. AENLLE-ROCHA: OKAY. AND HER NAME IS ON THIS,
23 ALSO. AND DID YOU REVIEW THIS AGREEMENT, IT'S TWO PAGES,
24 WITH HER FULLY BEFORE YOU SIGNED IT?

25 THE WITNESS: YES, MA'AM.

26 MS. AENLLE-ROCHA: OKAY. NOW I'M GONNA ASK YOU
27 QUESTIONS ABOUT THAT CONVERSATION AS TO THIS IMMUNITY
28 AGREEMENT. ALL RIGHT? BUT IF YOUR LAWYER TOLD YOU

1 ANYTHING ELSE, I DON'T WANT YOU TO TELL ME WHAT YOUR
2 LAWYER SAID TO YOU. THOSE COMMUNICATIONS ARE PRIVATE, AND
3 UNLESS YOU HAVE SPOKEN WITH YOUR LAWYER, I DON'T WANT YOU
4 TO TELL US -- AND IF YOU CAN'T ANSWER A QUESTION WITHOUT
5 SAYING, "MY LAWYER TOLD ME," BLAH, BLAH, THEN YOU JUST LET
6 ME KNOW BECAUSE YOU'RE NOT TO ANSWER THOSE QUESTIONS. DO
7 YOU UNDERSTAND THAT?

8 THE WITNESS: YES, MA'AM.

9 MS. AENLLE-ROCHA: OKAY. IS YOUR LAWYER OUTSIDE
10 HERE?

11 THE WITNESS: SHE WAS. SHE HAD TO LEAVE.

12 MS. AENLLE-ROCHA: OKAY. DO YOU HAVE A PHONE
13 NUMBER YOU COULD GET IN TOUCH WITH HER?

14 THE WITNESS: YEAH, WHEN I LEAVE OUT. I'VE GOT A
15 PHONE OUT THERE.

16 MS. AENLLE-ROCHA: OKAY. BECAUSE, MR. LATHAN, IF
17 YOU DURING THE COURSE OF THE QUESTIONING WANT TO ASK YOUR
18 LAWYER A QUESTION BEFORE YOU ANSWER THE QUESTION HERE, YOU
19 JUST LET ME KNOW BECAUSE YOU -- I'LL LET YOU LEAVE THE
20 HEARING ROOM SO YOU CAN CONTACT YOUR LAWYER AND CONSULT
21 WITH YOUR LAWYER AND THEN YOU CAN COME BACK AND ANSWER
22 QUESTIONS. DO YOU UNDERSTAND?

23 THE WITNESS: YES.

24 MS. AENLLE-ROCHA: OKAY. SO THIS AGREEMENT IS
25 BETWEEN YOU AND THE DISTRICT ATTORNEY'S OFFICE AND THIS
26 AGREEMENT INDICATES THAT YOU WILL TELL THE TRUTH, AND IN
27 EXCHANGE FOR TELLING THE TRUTH, ANYTHING THAT YOU SAY, ANY
28 ANSWERS THAT YOU GIVE TO ANY QUESTIONS THAT ARE DIRECTED

1 TO YOU BY MR. MC KINNEY, IF THERE'S THE POSSIBILITY THAT
2 THERE IS CRIMINAL LIABILITY ASSOCIATED WITH YOUR ANSWER,
3 YOU'RE NOT GOING TO BE PROSECUTED.

4 IS THAT YOUR UNDERSTANDING OF THIS
5 AGREEMENT?

6 THE WITNESS: YES, MA'AM.

7 MS. AENLLE-ROCHA: OKAY. AND DID YOU REVIEW THAT
8 WITH YOUR LAWYER?

9 THE WITNESS: I DID.

10 MS. AENLLE-ROCHA: AND DID YOUR LAWYER TELL YOU AND
11 ADVISE YOU OF ALL OF YOUR RIGHTS?

12 THE WITNESS: YES, MA'AM.

13 MS. AENLLE-ROCHA: DID YOUR LAWYER TELL YOU THAT
14 YOU HAVE TO TELL THE TRUTH FOR THIS AGREEMENT TO BE IN
15 EFFECT?

16 THE WITNESS: YES, MA'AM.

17 MS. AENLLE-ROCHA: DID YOUR LAWYER TELL YOU THAT IF
18 YOU DO NOT TELL THE TRUTH, THEN THIS AGREEMENT IS NULL AND
19 VOID AND YOU CAN BE PROSECUTED FOR ANYTHING THAT YOU STATE
20 HERE IN THIS ROOM?

21 THE WITNESS: YES, MA'AM.

22 MS. AENLLE-ROCHA: AND YOU UNDERSTAND ALL OF THOSE
23 THINGS?

24 THE WITNESS: YES, MA'AM.

25 MS. AENLLE-ROCHA: AND ANY QUESTIONS YOU HAD DID
26 YOU DIRECT THEM TO YOUR LAWYER DURING YOUR CONVERSATION OR
27 CONVERSATIONS WITH YOUR LAWYER CONCERNING THE IMMUNITY
28 AGREEMENT?

1 THE WITNESS: YES, MA'AM.

2 MS. AENLLE-ROCHA: DO YOU HAVE ANY QUESTIONS NOW?

3 THE WITNESS: CAN I GO CALL HER AND TELL HER
4 THEY'RE STARTING?

5 MS. AENLLE-ROCHA: ABSOLUTELY.

6 LET'S -- I'LL HAVE MR. MC KINNEY WHEEL YOU
7 OUT AND YOU CAN JUST CALL HER AND TELL HER THAT WE
8 STARTED, IF THAT'S WHAT YOU WOULD LIKE TO DO, AND THEN
9 YOU'LL COME BACK IN.

10 THE WITNESS: OKAY.

11 MS. AENLLE-ROCHA: ALL RIGHT?

12 THE WITNESS: THAT WILL WORK.

13 MS. AENLLE-ROCHA: THAT'S NOT GOING TO TAKE VERY
14 LONG; IS THAT CORRECT?

15 THE WITNESS: THE HALLWAY'S RIGHT THERE.

16 MS. AENLLE-ROCHA: OKAY. ALL RIGHT. THANK YOU.

17 THE WITNESS: THANK YOU.

18 MS. AENLLE-ROCHA: SO WE DON'T NEED TO ADMONISH
19 BECAUSE WE HAVEN'T GOTTEN TO THAT POINT YET. SO WE'RE
20 JUST GOING TO LET MR. LATHAN GO OUT AND CALL HIS LAWYER.

21 THE WITNESS: THANK YOU.

22 MS. AENLLE-ROCHA: YOU'RE WELCOME.

23 WE'RE GOING TO BE IN HERE WAITING. SO IF
24 YOU NEED MORE TIME, LET US KNOW AND WE'LL TAKE A BREAK.
25 OKAY?

26 THE WITNESS: OKAY.

27 MS. AENLLE-ROCHA: ALL RIGHT.

28 //

1 (DEPUTY DISTRICT ATTORNEY MC KINNEY AND
2 THE WITNESS EXITED THE GRAND JURY
3 HEARING ROOM.)

4
5 (PAUSE IN PROCEEDINGS.)

6
7 (DEPUTY DISTRICT ATTORNEY MC KINNEY AND
8 THE WITNESS ENTERED THE GRAND JURY
9 HEARING ROOM.)

10
11 MS. AENLLE-ROCHA: MR. LATHAN, DID YOU HAVE AN
12 OPPORTUNITY TO CALL YOUR LAWYER?

13 THE WITNESS: I DID.

14 MS. AENLLE-ROCHA: OKAY. AND WERE ALL OF YOUR
15 QUESTIONS ANSWERED? IS EVERYTHING OKAY? ARE YOU READY TO
16 TESTIFY?

17 THE WITNESS: YEAH.

18 MS. AENLLE-ROCHA: YES? I'M SORRY?

19 THE WITNESS: YES.

20 MS. AENLLE-ROCHA: OKAY. PERFECT.

21 AND AGAIN, IF DURING THE QUESTIONING YOU
22 NEED TO SPEAK TO YOUR LAWYER AGAIN, JUST LET ME KNOW.
23 OKAY?

24 THE WITNESS: OKAY.

25 MS. AENLLE-ROCHA: ALL RIGHT.

26 I THINK I FINISHED ASKING YOU QUESTIONS
27 REGARDING THE IMMUNITY AGREEMENT.

28 AND JUST, AGAIN, YOU SIGNED IT, YOUR LAWYER

1 SIGNED IT, AND THEN MR. -- MAYBE THAT'S MR. MC KINNEY'S
2 SIGNATURE. IT LOOKS REALLY DIFFICULT TO DECIPHER. BUT
3 DID YOU SIGN IT AND YOUR LAWYER?

4 THE WITNESS: YES, MA'AM.

5 MS. AENLLE-ROCHA: OKAY. AND IF YOU HAVE ANY
6 QUESTIONS AGAIN, LET ME KNOW.

7 ALL RIGHT. SO AT THIS POINT, MADAM
8 FOREPERSON, WITH YOUR PERMISSION, MAY MR. MC KINNEY
9 PROCEED?

10 THE FOREPERSON: YES.

11 MR. MC KINNEY: IS HE UNDER OATH?

12 MS. AENLLE-ROCHA: HE WAS. SHE SWORE HIM IN.

13 THE FOREPERSON: YEAH.

14
15
16 EXAMINATION

17
18 BY MR. MC KINNEY:

19 Q OKAY. GOOD AFTERNOON, SIR.

20 A GOOD AFTERNOON.

21 Q LET'S START GETTING A LITTLE BIT OF
22 INFORMATION ABOUT YOU. HOW OLD ARE YOU?

23 A FIFTY-SIX.

24 Q WERE YOU BORN IN LOS ANGELES?

25 A TEXAS.

26 Q WHERE?

27 A HOUSTON, TEXAS.

28 Q OKAY. WHEN DID YOU COME TO LOS ANGELES?

1 A AS A CHILD. BABY.

2 Q DID YOU GO TO SCHOOL HERE?

3 A I DID.

4 Q WHAT PART OF L.A. DID YOU GROW UP IN?

5 A SOUTH CENTRAL.

6 Q YOU WERE AWAY FROM LOS ANGELES FOR A VERY
7 LONG PERIOD OF TIME; IS THAT CORRECT?

8 A YES.

9 Q YOU WERE IN PRISON FROM 1996 UNTIL
10 SEPTEMBER OF 2018 BASED ON A MURDER CONVICTION; IS THAT
11 TRUE?

12 A THAT'S TRUE.

13 Q ARE YOU CURRENTLY ON PAROLE?

14 A YES, I AM.

15 Q WERE YOU PAROLED IN SEPTEMBER OF 2018?

16 A YES, SIR.

17 Q AND YOU CAME OUT TO A VERY DIFFERENT WORLD
18 FROM THE ONE YOU LEFT, CORRECT?

19 A VERY DIFFERENT.

20 Q WHEN YOU GOT PAROLED IN SEPTEMBER OF 2018,
21 WERE YOU ALREADY AWARE -- OR WERE YOU MADE AWARE OF A
22 PERSON NAMED NIPSEY HUSSLE?

23 A I HEARD HIM A FEW TIMES ON THE RADIO, ON
24 TV.

25 Q WAS THAT BEFORE YOU GOT OUT OF PRISON OR
26 AFTER?

27 A BEFORE I GOT OUT OF PRISON.

28 Q AND DID YOU KNOW HE WAS FROM YOUR OLD

1 NEIGHBORHOOD?

2 A NOT SO MUCH AS THAT. HE WAS A CELEBRITY.
3 I WAS LOOKING AT HIS CELEBRITY STATUS. IT HAD NOTHING TO
4 DO WITH ANY OF THAT.

5 Q OKAY. SO YOU KNEW WHO NIPSEY HUSSLE WAS,
6 BUT YOU DIDN'T KNOW HE WAS CONNECTED TO SOUTH L.A.; IS
7 THAT CORRECT?

8 A TO THAT DEGREE, NO.

9 Q WHAT DOES THAT MEAN, "TO THAT DEGREE"?

10 A WELL, I WASN'T KNOWLEDGEABLE UNTIL AFTER HE
11 PASSING HOW EVERYTHING SWIRLED AROUND, AND I WAS LIKE,
12 "OKAY."

13 Q SO, IN OTHER WORDS, WHAT YOU WERE SAYING IS
14 YOU GOT TO KNOW A LOT MORE ABOUT HIM AFTER HE PASSED?

15 A RIGHT.

16 Q OKAY. WHAT I'M ASKING IS WHEN YOU GOT
17 OUT -- BEFORE YOU GOT OUT OF PRISON, OTHER THAN KNOWING HE
18 WAS AN ARTIST, DID YOU KNOW ANYTHING ELSE ABOUT HIM?

19 A NO.

20 Q OKAY. AFTER YOU GOT OUT, DID YOU -- AFTER
21 YOU GOT OUT, DID YOU GET TO KNOW HIM A LITTLE BIT BETTER
22 THAN YOU DID WHILE YOU WERE IN PRISON?

23 A YES.

24 Q TELL US ABOUT THAT.

25 A WELL, MY PLAY SISTER WENT UP TO HIS SHOP
26 AND GOT A WHOLE BUNCH OF CLOTHES FOR ME FROM HIM.

27 Q OKAY.

28 A I HADN'T MET HIM OR ANYTHING, BUT SHE SAID,

1 "HEY, NIPSEY LOOKED OUT FOR YOU." SWEATS, PANTS, SHOES.
2 I SAID, "OKAY. THANK YOU."

3 Q OKAY. NOW, BEFORE YOU WENT TO PRISON, WERE
4 YOU A ROLLIN 60'S GANG MEMBER?

5 A YES, SIR.

6 Q OKAY. AND THAT WAS THE GANG THAT OPERATED
7 IN THE AREA THAT YOU WERE FROM, CORRECT?

8 A YES, SIR.

9 Q AND IS IT YOUR TESTIMONY THAT AFTER YOU GOT
10 OUT OF PRISON YOU GOT SOME KIND OF A CARE PACKAGE OR
11 CLOTHING PACKAGE FROM NIPSEY HUSSLE --

12 A THAT I HAD NEVER MET.

13 Q -- AND IT WAS A DONATION BASICALLY TO YOU?

14 A BASICALLY.

15 Q ALL RIGHT. AND THAT WAS FACILITATED
16 THROUGH, YOU SAID, YOUR PLAY SISTER?

17 A (NODS HEAD).

18 Q SO --

19 MS. AENLLE-ROCHA: YOU'RE NODDING YOUR HEAD. IS
20 THAT A "YES"?

21 THE WITNESS: YES, MA'AM.

22 BY MR. MC KINNEY:

23 Q SO THAT'S SOMEBODY YOU KNEW, CORRECT?

24 A YES.

25 MS. AENLLE-ROCHA: SO I JUST WANT TO REMIND YOU,
26 SIR -- YOU'VE BEEN INTERRUPTING MR. MC KINNEY BEFORE HE'S
27 BEEN ABLE TO FINISH HIS QUESTION. IF YOU GUYS WERE HAVING
28 A NORMAL CONVERSATION, THAT'S EXACTLY WHAT PEOPLE DO, BUT

1 I NEED YOU TO WAIT JUST A MINUTE AND LET HIM FINISH THE
2 QUESTION AND THEN ANSWER IT BECAUSE IT MAKES IT A LITTLE
3 HARDER FOR THE COURT REPORTER WHEN -- IF HE INTERRUPTS YOU
4 OR IF YOU INTERRUPT HIM. OKAY?

5 AND I'M NOT TRYING TO MAKE YOU FEEL
6 UNCOMFORTABLE. I JUST WANT TO MAKE SURE THAT YOUR ANSWERS
7 ARE ACCURATELY RECORDED IN OUR TRANSCRIPT AND THAT'S MORE
8 DIFFICULT IF THE COURT REPORTER DOESN'T GET THE FULL
9 QUESTION. OKAY?

10 THE WITNESS: YES, MA'AM.

11 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

12 GO AHEAD.

13 BY MR. MC KINNEY:

14 Q OKAY. SO, MR. LATHAN, YOUR TESTIMONY IS --
15 FIRST OF ALL, LET ME ASK YOU THIS: WHEN YOU GOT OUT AND
16 GOT THE CARE PACKAGE FROM NIPSEY, DID YOU -- WERE YOU MADE
17 AWARE THAT NIPSEY'S FROM THE NEIGHBORHOOD THAT YOU GREW UP
18 IN?

19 A YES.

20 Q OKAY. AND HE GAVE YOU THIS WONDERFUL GIFT
21 THAT YOU WERE HAPPY TO RECEIVE; IS THAT CORRECT?

22 A YES, SIR.

23 Q CAN YOU TELL US -- YOU GOT OUT IN
24 SEPTEMBER. CAN YOU TELL US APPROXIMATELY WHEN YOU GOT
25 THAT GIFT FROM HIM?

26 A ABOUT TWO WEEKS.

27 Q TWO WEEKS AFTER YOU GOT OUT?

28 A YES, SIR.

1 Q AND AT SOME POINT AFTER RECEIVING THAT GIFT
2 FROM HIM DID YOU HAVE AN OPPORTUNITY TO MEET HIM AND THANK
3 HIM?

4 A ABOUT THE THIRD WEEK.

5 Q SO THAT WOULD HAVE BEEN SOMETIME IN OCTOBER
6 OR NOVEMBER?

7 A (NODS HEAD).

8 Q IS THAT A YES?

9 A YES, SIR.

10 Q OKAY. WHERE DID YOU MEET HIM?

11 A IN FRONT OF HIS STORE.

12 Q DID YOU GO TO THE STORE THAT DAY
13 SPECIFICALLY TO MEET HIM AND THANK HIM OR DID HE HAPPEN TO
14 BE THERE WHEN YOU WENT THERE FOR SOME OTHER BUSINESS?

15 A WHICH DAY?

16 Q THE FIRST TIME. AFTER YOU RECEIVED THE
17 GIFT.

18 A I WENT IN TO SAY THANK YOU AND THEY SAID,
19 "HE'S RIGHT THERE IN THE CAR."

20 Q OKAY. AND IS THAT WHEN YOU MET HIM FOR THE
21 FIRST TIME?

22 A YEAH, ABOUT A MONTH AFTER I GOT OUT OF
23 JAIL.

24 Q DID YOU TAKE A PHOTOGRAPH WITH HIM AT THAT
25 TIME?

26 A I DID.

27 Q AND NOW I WANT TO ASK YOU SOME QUESTIONS
28 ABOUT MARCH 31ST, 2019, WHICH WAS THE DAY YOU GOT SHOT IN

1 THE BACK; IS THAT CORRECT?

2 A YES, SIR.

3 Q HAD YOU MET NIPSEY AT ANY TIME BETWEEN THE
4 FIRST TIME YOU MET HIM AND MARCH 31ST, 2019?

5 A ONE TIME.

6 Q OKAY. APPROXIMATELY WHEN WAS THAT?

7 A OH, ABOUT TWO OR THREE WEEKS AFTER I MET
8 HIM OUT IN FRONT OF HIS SHOP.

9 Q OKAY. SO AGAIN, WE'RE TALKING PROBABLY AT
10 THE END OF 2018, EARLY 2019?

11 A SOMETHING RIGHT IN THERE.

12 Q AND DURING THAT SECOND MEETING OR SECOND
13 TIME YOU MET HIM WAS IT ALSO AT 3420 SLAUSON AVENUE IN
14 FRONT OF HIS SHOP OR WAS IT SOME OTHER PLACE?

15 A NO, IT WAS RIGHT THERE.

16 Q AT THE SHOP?

17 A (NODS HEAD).

18 Q YES?

19 A YES, SIR.

20 Q OKAY.

21 NOW, ON MARCH 31ST, 2019, DID YOU GO TO HIS
22 SHOP?

23 A MARCH 31ST?

24 Q YES.

25 A YES.

26 Q THE DAY YOU GOT SHOT.

27 A YES.

28 Q DID YOU GO THERE ALONE OR WITH SOMEONE?

1 A WITH MY NEPHEW.

2 Q AND HOW DID THE TWO OF YOU GET THERE THAT
3 DAY?

4 A IN HIS TRUCK.

5 Q WHY DID YOU GO THERE THAT DAY?

6 A WELL, HE WAS COMPLAINING THAT I'M NOT IN
7 PRISON ANYMORE SO YOU DON'T HAVE TO WEAR THE SAME SHIRT.
8 I SAID OKAY. HE SAID, "LOOK, NIPSEY'S SHOP IS OVER THERE.
9 THERE YOU GO RIGHT THERE." SO WE GOT OUT TO GO INTO THE
10 SHOP AND HE SAID, "HE'S RIGHT THERE." SO MY ATTENTION
11 DIRECTED FROM GOING INTO IT TO TALK TO HIM RIGHT THERE.

12 Q OKAY. SO IS IT YOUR TESTIMONY THAT WHEN
13 YOU WENT TO THE AREA OF SLAUSON AND CRENSHAW THAT DAY IT
14 WAS YOUR INTENTION TO GO TO THE MARATHON STORE WHICH WAS
15 NIPSEY'S SHOP TO BUY A SHIRT?

16 A A SHIRT. JUST A T-SHIRT.

17 Q IS IT YOUR TESTIMONY THAT ONCE YOU GOT
18 THERE YOU SAW NIPSEY IN THE PARKING LOT AND DECIDED TO GO
19 TALK TO HIM?

20 A YES.

21 Q DID YOU EVER GO INTO THE STORE THAT DAY?

22 A NO.

23 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU
24 ARRIVED AT THE STORE?

25 A NO. ABOUT -- AROUND 1:00.

26 Q AROUND 1:00?

27 A SOMETHING LIKE THAT.

28 Q IT WAS IN THE AFTERNOON, RIGHT?

1 A YEAH.

2 MS. AENLLE-ROCHA: IS THAT A "YES"?

3 THE WITNESS: YES.

4 MS. AENLLE-ROCHA: THANK YOU, SIR.

5 BY MR. MC KINNEY:

6 Q SO YOU GOT TO THE STORE, GOT OUT OF THE
7 VEHICLE YOU ARRIVED IN, CORRECT?

8 A YES.

9 Q AND WHAT HAPPENED NEXT?

10 A A LOT.

11 Q WELL, LET'S TAKE IT STEP BY STEP. YOU SAID
12 THAT YOU SAW NIPSEY, CORRECT?

13 A YES, SIR.

14 Q DID YOU GO OVER AND START TALKING TO HIM?

15 A I DID.

16 Q DID YOU STAY IN CLOSE PROXIMITY OR -- THAT
17 MEANS IN CLOSE RANGE, --

18 A YES.

19 Q -- THE ENTIRE TIME YOU WERE THERE?

20 A YES, SIR.

21 Q AND WERE YOU TALKING TO HIM PERSONALLY ONE
22 ON ONE?

23 A YES.

24 Q CAN YOU TELL US ANYTHING ABOUT WHAT KIND OF
25 MOOD HE APPEARED TO BE IN OR WHAT HIS DEMEANOR WAS LIKE
26 DURING THOSE CONVERSATIONS?

27 A REGULAR. JUST HIM. HE'S A WARM,
28 CHARISMATIC YOUNG MAN.

1 Q AND THEN AT SOME POINT WHILE YOU WERE OUT
2 THERE YOU GOT SHOT, CORRECT?

3 A INDEED.

4 Q CAN YOU TELL US APPROXIMATELY HOW LONG YOU
5 WERE THERE BEFORE YOU GOT SHOT?

6 A PROBABLY TWO MINUTES.

7 Q AND IN THE -- YOU SAID TWO MINUTES THAT YOU
8 WERE THERE, CAN YOU JUST GENERALLY DESCRIBE WHAT WAS GOING
9 ON IN THE AREA WHERE YOU WERE STANDING?

10 A WE WAS TALKING ABOUT A CHICKEN FAJITA THAT
11 THEY SELL OVER AT THE -- WHAT IS IT? EL POLLO LOCO OR
12 SOMETHING, HAD CHICKEN AND AVOCADOS IN IT. I'D NEVER SEEN
13 ONE. I'VE BEEN GONE 25 YEARS. I SAID, "MAN, WHAT IS
14 THAT?" HE SAID, "OVER AT EL POLLO LOCO'S." I SAID,
15 "OKAY. AFTER WE LEAVE HERE, I'M GONNA GO GET ME ONE OF
16 THEM." AND THEN WE WERE GONNA GO SEE A GUY WHOSE FATHER
17 HAD JUST DIED.

18 Q OKAY. DID YOU SEE NIPSEY INTERACTING WITH
19 ANY OTHER PEOPLE, TALKING TO FANS, TAKING PHOTOGRAPHS,
20 ANYTHING LIKE THAT?

21 A YEAH, A LITTLE BABY. HIS MOTHER ASKED FOR
22 A SELFIE WITH HER SON, HE WAS GONNA TURN THREE THE NEXT
23 DAY, AND TWO OTHER WOMEN.

24 Q OKAY. ANYTHING UNUSUAL HAPPEN WHILE YOU
25 WERE OUT THERE WITH HIM?

26 A NO, SIR.

27 Q YOU SAID YOU ARRIVED WITH SOMEONE, CORRECT?

28 A YES.

1 Q WHO IS THAT PERSON?

2 A MY NEPHEW.

3 Q WHAT'S HIS NAME?

4 A SHERMI.

5 Q OKAY. AND WAS SHERMI ALSO RIGHT THERE IN
6 THE SAME AREA WITH YOU, NIPSEY, AND ANY OTHER OF THE FOLKS
7 WHO WERE TALKING TO HIM?

8 A YES, SIR.

9 Q ALL RIGHT. I WANT TO ASK YOU SOME
10 QUESTIONS ABOUT THE SHOOTING ITSELF. OKAY?

11 I WANT YOU TO THINK BACK TO JUST A FEW
12 SECONDS BEFORE THE SHOOTING HAPPENED. CAN YOU TELL US
13 WHERE YOU WERE AND WHAT YOU WERE DOING?

14 A I BELIEVE I WAS STANDING DIRECTLY IN FRONT
15 OF NIPSEY. WE WERE IN BETWEEN TWO CARS THAT WAS PARKED.
16 NIPSEY HAD HIS BACK TO ONE CAR AND HAD HIS FACE TO ME AND
17 I HAD MY BACK TO THAT CAR AND MY FACE TO NIPSEY.

18 Q ALL RIGHT. LET ME SHOW YOU AN EXHIBIT.

19 MS. AENLLE-ROCHA: MADAM FOREPERSON, IF YOU COULD
20 RAISE THE MONITOR.

21 SO, MR. LATHAN, I KNOW IT'S A LITTLE
22 FURTHER AWAY FROM YOU BECAUSE YOU'RE NOT RIGHT IN THE
23 WITNESS CHAIR, BUT THERE -- WE HAVE THE BIG SCREEN AND
24 THEN WE ALSO HAVE THE MONITOR RIGHT THERE, AND IF YOU CAN
25 LOOK AT BOTH OF THEM. IF YOU CAN'T SEE, YOU LET ME KNOW
26 AND WE HAVE EXHIBIT BOOKS AND I'LL BRING ONE TO YOU.
27 OKAY?

28 THE WITNESS: OKAY.

1 MS. AENLLE-ROCHA: ALL RIGHT.

2 BY MR. MC KINNEY:

3 Q FIRST LET ME SHOW YOU GRAND JURY EXHIBIT
4 NUMBER 2. THIS IS A PHOTOGRAPH OF NIPSEY; IS THAT
5 CORRECT?

6 A YES, SIR.

7 Q ON THAT DAY THAT YOU MET HIM AT THE STORE
8 WAS HE WEARING SOMETHING ON HIS HEAD?

9 A A WHITE WAVE CAP.

10 Q OKAY. AND IS A WAVE CAP SIMILAR TO WHAT
11 YOU HAVE ON YOUR HEAD RIGHT NOW?

12 A YES, SIR.

13 Q OKAY. LET ME SHOW YOU GRAND JURY EXHIBIT
14 NUMBER 4.

15 MS. AENLLE-ROCHA: I'M SORRY.

16 JUST SO ANYBODY READING THE RECORD WILL
17 UNDERSTAND WHAT YOU HAVE ON YOUR HEAD, CAN YOU DESCRIBE
18 WHAT IT IS FOR US, PLEASE?

19 THE WITNESS: A RAG TO KEEP YOUR HAIR IN PLACE.

20 MS. AENLLE-ROCHA: OKAY. SO IT'S CLOSE TO YOUR
21 HEAD AND IT -- IS IT STRETCHY?

22 THE WITNESS: YES.

23 MS. AENLLE-ROCHA: OKAY. AND IT'S TIED AT THE
24 BACK?

25 THE WITNESS: YES, MA'AM.

26 MS. AENLLE-ROCHA: OKAY. LIKE A -- I DON'T WANT TO
27 SAY A SCARF, BUT IT --

28 THE WITNESS: IT'S LIKE A SCARF.

1 MS. AENLLE-ROCHA: IT'S LIKE A SCARF?

2 THE WITNESS: (NODS HEAD).

3 MS. AENLLE-ROCHA: ALL RIGHT. THANK YOU, SIR. AND
4 THE ONE YOU'RE WEARING IS BLACK, CORRECT?

5 THE WITNESS: TRUE.

6 MS. AENLLE-ROCHA: DO YOU REMEMBER THE COLOR THAT
7 NIPSEY WAS WEARING THAT DAY?

8 THE WITNESS: IT WAS WHITE.

9 MS. AENLLE-ROCHA: GO AHEAD.

10 BY MR. MC KINNEY:

11 Q SHOWING YOU GRAND JURY EXHIBIT NUMBER 4,
12 IT'S AN AERIAL PHOTOGRAPH, DO YOU RECOGNIZE THE AREA SHOWN
13 AND MARKED AS 3420 SLAUSON?

14 A YES, SIR.

15 Q IS THAT THE LOCATION WHERE NIPSEY'S STORE
16 IS?

17 A YES, SIR.

18 Q AND IS THAT THE LOCATION YOU WENT TO THAT
19 DAY?

20 A YES, SIR.

21 Q LET ME SHOW YOU GRAND JURY EXHIBIT NUMBER
22 6. DO YOU RECOGNIZE THE MAN BOTH IN THE PINK SHIRT AND IN
23 THE INSET PHOTOGRAPH?

24 A YES, SIR.

25 Q WHO IS THAT PERSON?

26 A IT'S MY NEPHEW.

27 Q WAS HE THE PERSON THAT DROVE YOU THERE THAT
28 DAY?

1 A YES, SIR.

2 MS. AENLLE-ROCHA: WAS HE ALSO SHOT?

3 THE WITNESS: YES.

4 BY MR. MC KINNEY:

5 Q SO YOU MENTIONED BEING BETWEEN TWO CARS; IS
6 THAT RIGHT?

7 A YES.

8 Q GIVE ME ONE MOMENT. I APOLOGIZE.

9 LET ME SHOW YOU GRAND JURY EXHIBIT NUMBER
10 27.

11 MS. AENLLE-ROCHA: AND AGAIN, MR. LATHAN, IF YOU
12 CAN'T SEE CLEARLY, LET ME KNOW.

13 BY MR. MC KINNEY:

14 Q DO YOU RECOGNIZE WHAT'S SHOWN IN THIS
15 PHOTOGRAPH?

16 A YES.

17 Q WHAT DOES THE PHOTOGRAPH SHOW?

18 A A LOT OF CLOTHING --

19 Q DOES IT SHOW THE TWO CARS THAT YOU AND
20 NIPSEY WERE IN BETWEEN AT THE TIME OF THE SHOOTING?

21 A YES, SIR.

22 Q SO WE'RE LOOKING AT A CRIME SCENE
23 PHOTOGRAPH. THERE ARE TWO WHITE CARS PARKED IN STALLS.
24 ONE IS IN A -- WHAT APPEARS TO BE A DISABLED PARKING STALL
25 ON THE RIGHT AND THE OTHER IS -- HAS THE AUDI SYMBOL ON
26 THE TRUNK AND IS TO THE LEFT OF THAT. WERE YOU IN BETWEEN
27 THOSE TWO CARS AT THE TIME OF THE SHOOTING?

28 A YES, SIR.

1 Q WERE YOU LEANING UP AGAINST ONE OF THE
2 CARS?

3 A YES.

4 Q WHICH ONE WERE YOU LEANING AGAINST?

5 A THE ONE FURTHER TO THE LEFT.

6 Q THE AUDI? THE ONE TO THE LEFT?

7 A YES.

8 Q AND WAS YOUR BACK THEN UP AGAINST THE
9 PASSENGER SIDE OF THAT CAR?

10 A MORE LIKE THE BACK END OF IT.

11 Q THE TRUNK AREA?

12 A (NODS HEAD).

13 Q IS THAT YES?

14 A YES, SIR.

15 Q AND WERE YOU FACING THE OTHER WHITE CAR?

16 A I WAS.

17 Q WHERE WAS NIPSEY JUST A FEW SECONDS BEFORE
18 THE SHOOTING STARTED?

19 A RIGHT THERE BY THE OTHER WHITE CAR.

20 Q WAS HE DIRECTLY ACROSS FROM YOU?

21 A YEAH, WHEN THE SHOOTING STARTED HE WAS.

22 Q AND THE TWO OF YOU -- WERE THE TWO OF YOU
23 FACE-TO-FACE?

24 A YES, SIR.

25 Q DO YOU RECALL WHERE SHERMI WAS JUST A FEW
26 SECONDS BEFORE THE SHOOTING STARTED?

27 AND YOU CAN POINT TO SOMETHING IN THE
28 PHOTOGRAPH TO GIVE US AN IDEA.

1 A HE WAS WHERE THE BLACK CAR IS, BUT A LITTLE
2 FURTHER OUT.

3 Q OKAY. AND IN THIS PHOTOGRAPH THERE'S A --
4 IT'S ACTUALLY HIS VEHICLE TO THE RIGHT OF THIS PHOTOGRAPH,
5 CORRECT?

6 A YES.

7 Q WHEN YOU SAY "FURTHER OUT," DO YOU MEAN OUT
8 LEFT OF THE FRONT OF THAT VEHICLE?

9 A LIKE GOING OUT TOWARD THE STREET ALMOST.

10 Q OKAY. BUT DO YOU SEE THE AREA WHERE HE WAS
11 STANDING IN THIS PHOTOGRAPH ANYWHERE?

12 A NO.

13 Q OKAY. YOU'RE SAYING HE WAS STANDING
14 SOMEWHERE NOT SHOWN IN THE PHOTOGRAPH?

15 A WELL, FROM WHAT IT LOOKS LIKE TO ME, IT
16 WASN'T 'CAUSE I WAS UNDER THAT CAR AFTER I GOT SHOT.

17 Q OKAY. I'M TALKING ABOUT A FEW SECONDS
18 BEFORE THE SHOOTING STARTED. DO YOU REMEMBER WHERE HE WAS
19 STANDING?

20 A OH, NO. HE WAS AWAY FROM US.

21 Q DID YOU SEE HIM?

22 A I KNEW HE WAS THERE 'CAUSE I HAD JUST SPOKE
23 TO HIM.

24 Q OKAY. DID YOU SEE HIM WHEN THE SHOOTING
25 STARTED OR JUST BEFORE?

26 A NO. I JUST RAN. WHEN YOU SEE GUNFIRE AT
27 ONE O'CLOCK, YOU TOO CLOSE TO THE GUN, SO I RAN.

28 Q OKAY. SO GOING BACK TO A FEW SECONDS

1 BEFORE THE SHOOTING STARTED, WERE YOU SO CLOSE TO NIPSEY
2 THAT YOU COULD STRETCH OUT YOUR ARM AND TOUCH HIM?

3 A PRETTY MUCH.

4 Q OKAY. WAS THERE ANYONE ELSE WITHIN A FEW
5 FEET OF YOU THAT YOU RECALL SEEING AT THE TIME THE
6 SHOOTING STARTED?

7 A ANOTHER YOUNG MAN. I DON'T KNOW THEIR NAME
8 BECAUSE, AS I STATED, I DID 25 YEARS. EVERYTHING IS -- IS
9 NEW. IT'S DIFFERENT.

10 Q OKAY.

11 A SO --

12 Q ARE YOU SAYING --

13 A -- I DON'T KNOW HIM PERSONALLY, BUT I THINK
14 THERE WAS ANOTHER MAN STANDING NEXT TO ME.

15 Q OKAY. WAS HE TO YOUR LEFT OR YOUR RIGHT?

16 A HE WAS TO MY LEFT.

17 Q OKAY. SO YOU DESCRIBED LEANING WITH YOUR
18 BACK AGAINST THAT WHITE AUDI, CORRECT?

19 SO DOES THAT MEAN -- IF YOU LOOK AT THE
20 EXHIBIT, DOES THAT MEAN HE WAS TO YOUR LEFT, MEANING HE
21 WAS CLOSER TO THE FRONT OF THAT CAR, OR WAS HE TO YOUR
22 RIGHT, MEANING HE WAS CLOSER TO THE BACK OF THE CAR?

23 A HE WAS CLOSER TO THE BACK OF THE CAR.

24 Q SO THAT WOULD BE TO YOUR RIGHT, CORRECT?

25 A OKAY. YEAH.

26 MS. AENLLE-ROCHA: IS THAT A "YES"?

27 THE WITNESS: YES, MA'AM.

28 //

1 BY MR. MC KINNEY:

2 Q SO YOU'VE ESTABLISHED WHERE YOU SAW PEOPLE
3 JUST A FEW SECONDS BEFORE THE SHOOTING, CORRECT?

4 A YEAH.

5 MS. AENLLE-ROCHA: IS THAT A "YES"?

6 THE WITNESS: YES.

7 BY MR. MC KINNEY:

8 Q NOW, STARTING A COUPLE OF SECONDS BEFORE
9 THE SHOOTING, TELL US WHAT HAPPENED FROM THAT POINT
10 FORWARD.

11 SO YOU'RE LEANING WITH YOUR BACK AGAINST
12 THE CAR, YOU'RE FACING NIPSEY, AND THEN WHAT HAPPENED?

13 A A GUY JUST CAME AROUND SHOOTING.

14 Q OKAY. DID YOU SEE A GUY WALK UP?

15 A NO. IT HAPPENED THAT FAST.

16 Q OKAY. WHAT WAS EITHER THE FIRST THING YOU
17 HEARD OR THE FIRST THING YOU SAW?

18 A THE FIRST THING I SAW WAS GUNFIRE.

19 Q ALL RIGHT. HOW DID YOU SEE THAT?

20 A I LOOKED UP AND SAW HE SHOOT AND THAT WAS
21 IT.

22 Q DID -- DID YOU SEE A GUN?

23 A I DID.

24 Q OKAY. DID YOU SEE MUZZLE FLASH OR FLAME
25 OR --

26 A THE FLASH. THE FLASH. IN THE DAYTIME
27 THAT'S TOO CLOSE.

28 Q OKAY.

1 A SO I RAN.

2 Q DID YOU SEE THAT ON YOUR LEFT SIDE OR ON
3 YOUR RIGHT SIDE?

4 A ON THIS SIDE. WHERE I GOT SHOT.

5 Q OKAY. WOULD THAT BE CLOSER TO THE FRONT OF
6 THAT WHITE CAR?

7 A YEAH.

8 Q OKAY. SO --

9 MS. AENLLE-ROCHA: IS THAT A "YES"?

10 THE WITNESS: YES.

11 MS. AENLLE-ROCHA: AND WHEN YOU SAID "ON THIS
12 SIDE," YOU HAD YOUR RIGHT HAND AND YOU HAD IT --

13 THE WITNESS: TO MY LEFT.

14 MS. AENLLE-ROCHA: -- CLOSE TO YOUR -- LEFT SIDE OF
15 YOUR ARM?

16 THE WITNESS: YEAH. IT WAS ON MY LEFT.

17 MS. AENLLE-ROCHA: OKAY.

18 BY MR. MC KINNEY:

19 Q SO AT SOME POINT -- IS IT TRUE AT SOME
20 POINT YOU TURNED TO YOUR LEFT AND YOU SAW A GUN AND THEN A
21 MUZZLE FLASH?

22 A THAT'S CORRECT.

23 Q DID YOU EVER SEE THE FACE OF THE PERSON
24 HOLDING THE GUN?

25 A NO, SIR.

26 Q CAN YOU TELL US WHAT THE GUN LOOKED LIKE?

27 A A REVOLVER.

28 Q OKAY. CAN YOU TELL US ANYTHING ABOUT --

1 CAN YOU TELL US ANYTHING ABOUT THE COLOR OF THE GUN?

2 A I THINK SILVER.

3 Q OKAY. NOW, WHAT MAKES A REVOLVER
4 DISTINGUISHED?

5 A YOU CAN SEE THE BULLET OUT OF THE GUN. YOU
6 CAN SEE THE BULLET INSIDE THE LITTLE -- THE LITTLE
7 CHAMBERS. IT LOOKS LIKE LITTLE BEEHIVES. WHEN THEY TURN
8 IT, THEN THE BULLET GOES LIKE THAT.

9 MS. AENLLE-ROCHA: LIKE WHAT?

10 THE WITNESS: (DEMONSTRATING).

11 MS. AENLLE-ROCHA: SO IT TURNS?

12 THE WITNESS: YEAH.

13 MS. AENLLE-ROCHA: THE CYLINDER TURNS?

14 THE WITNESS: YEAH.

15 MS. AENLLE-ROCHA: AND YOU CAN SEE INSIDE?

16 THE WITNESS: YEAH.

17 MS. AENLLE-ROCHA: YES?

18 THE WITNESS: YES, MA'AM.

19 BY MR. MC KINNEY:

20 Q LET ME SHOW YOU GRAND JURY EXHIBIT NUMBER
21 17. IT'S A DIAGRAM THAT SHOWS TWO DIFFERENT TYPES OF
22 HANDGUNS. DO YOU SEE THAT?

23 A YES, SIR.

24 Q IS ONE OF THOSE HANDGUNS A REVOLVER?

25 A YES, SIR.

26 Q WHICH ONE?

27 A THE ONE AT THE BOTTOM.

28 Q OKAY. WHAT IS IT ABOUT THAT GUN THAT MAKES

1 YOU SAY IT'S A REVOLVER?

2 A THE BARREL TURNS.

3 Q WHEN YOU SAY "THE BARREL," ARE YOU
4 REFERRING TO THE ROUND --

5 A YES.

6 Q -- PART OF THE GUN --

7 A YES, SIR.

8 Q -- RIGHT ABOVE THE TRIGGER?

9 A YES, SIR.

10 Q OKAY. IT'S KIND OF LIKE THE OLD COWBOY
11 GUNS OR GUNS WE SEE IN COWBOY MOVIES, CORRECT?

12 A YES, SIR.

13 Q OKAY. SO YOU KNOW IT WAS A SILVER-COLORED
14 REVOLVER, CORRECT?

15 A (NODS HEAD).

16 Q IS THAT "YES"?

17 A YES, SIR.

18 Q NOW, YOU SAW THE MUZZLE FLASH OF WHAT YOU
19 BELIEVE IS THE FIRST SHOT; IS THAT TRUE?

20 A YES, SIR.

21 Q DID YOU HEAR THE PERSON WHO FIRED THAT GUN
22 SAY SOMETHING RIGHT BEFORE THE GUN WAS FIRED?

23 A I BELIEVE HE SAID, "YOU'RE THROUGH."

24 Q "YOU'RE THROUGH"?

25 A YEAH.

26 Q IS THAT WHAT MADE YOU TURN AND LOOK TO YOUR
27 LEFT?

28 A YEAH, WHEN HE WALKED UP.

1 MS. AENLLE-ROCHA: WAS THAT A "YES"?

2 THE WITNESS: YES. EXCUSE ME.

3 BY MR. MC KINNEY:

4 Q OKAY. AND THAT FIRST SHOT THEN, DO YOU
5 BELIEVE THAT FIRST SHOT STRUCK YOU?

6 A I BELIEVE SO, BUT IT WAS TOO MUCH GOING ON,
7 YOU KNOW. WHEN I TURNED TO RUN, IT KNOCKED MY LEGS FROM
8 UP UNDER ME.

9 Q OKAY. LET ME STOP YOU THERE.
10 WHEN YOU TURNED AND SAW THE MUZZLE FLASH,
11 WAS YOUR BACK STILL UP AGAINST THE CAR?

12 A I BELIEVE SO.

13 Q OKAY. SO THE PART OF YOUR BODY THAT GOT
14 STRUCK WASN'T EXPOSED TO THE BARREL OF THE GUN FOR THAT
15 FIRST SHOT, CORRECT?

16 A RIGHT.

17 Q AFTER YOU SAW THE MUZZLE FLASH, DID YOU
18 ALSO HEAR A LOUD NOISE?

19 A POW.

20 Q OKAY. AFTER YOU HEARD AND SAW THE GUNFIRE
21 FOR THE FIRST TIME, WHAT DID YOU DO?

22 A I FELL DOWN.

23 Q ON THE FIRST SHOT?

24 A I TRIED TO RUN, BUT IT KNOCKED MY LEGS FROM
25 UNDER ME.

26 Q OKAY. WHAT I'M TRYING TO ESTABLISH IS IF
27 YOUR TESTIMONY IS YOU WERE LEANING AGAINST THE CAR WITH
28 YOUR BACK TO THE CAR, WHEN YOU TURNED TO YOUR LEFT AND SAW

1 THE FIRST SHOT --

2 A YES.

3 Q -- THE PART OF YOUR BODY THAT GOT STRUCK
4 WAS STILL UP AGAINST THE SIDE OF THE CAR, CORRECT?

5 A WELL, WHEN I SEEN THE GUN, I WENT TO RUN
6 AND I SAW THE FLASH, BUT IT WAS TOO LATE. I WAS KNOCKED
7 UNDER THE CAR.

8 Q HOW MANY SHOTS DID YOU HEAR FIRED THAT DAY?

9 A IT SEEMED LIKE EIGHT.

10 Q OKAY. AND IT'S A DIFFICULT QUESTION. IF
11 YOU CAN ANSWER IT, IT'S FINE. IF YOU CAN'T, THAT'S FINE,
12 TOO. BUT DO YOU KNOW WHICH ONE OF THE SHOTS, FIRST SHOT,
13 SECOND SHOT, OR THIRD SHOT, THAT YOU BELIEVE STRUCK YOU?

14 A I THOUGHT IT WAS THE FIRST SHOT.

15 Q THE FIRST SHOT. OKAY.

16 SO --

17 A I COULD BE WRONG BECAUSE I'VE NEVER BEEN IN
18 THAT SITUATION AND EVERYTHING HAPPENED SO FAST. SO IF I'M
19 MISTAKEN, I APOLOGIZE.

20 Q NO, THAT'S FAIR ENOUGH.

21 A BUT EVERYTHING WAS A BLUR, YOU KNOW. I GOT
22 OUT AND THIS HAPPENED. AND I WAS MOVING MY FEET TO SEE IF
23 MY LEGS STILL WORKED, YOU KNOW, BECAUSE WHEN YOU GET SHOT
24 IN THE BACK, IN THE LOWER PART, THEY TOLD ME AT THE
25 HOSPITAL THAT --

26 MS. AENLLE-ROCHA: WELL, I'M SORRY, DON'T TELL US
27 WHAT THEY TOLD YOU AT THE HOSPITAL. THAT'S OKAY.

28 THE WITNESS: OKAY.

1 BY MR. MC KINNEY:

2 Q LET ME STOP YOU THERE AND ASK YOU ANOTHER
3 QUESTION.

4 WHEN YOU TURNED AND SAW THE GUN, DID IT
5 APPEAR THAT THE GUN WAS BEING POINTED AT YOU?

6 A NO.

7 Q COULD YOU TELL WHETHER THE GUN WAS BEING
8 POINTED AT A PARTICULAR TARGET?

9 A NIPSEY.

10 Q OKAY. SO WHEN YOU TURNED AND SAW THAT
11 FIRST MUZZLE FLASH, IT LOOKED TO YOU LIKE THE GUN WAS
12 POINTED AT NIPSEY; IS THAT CORRECT?

13 A YES.

14 Q AFTER YOU HEARD THE FIRST SHOT OR SAW THE
15 MUZZLE FLASH, YOU TURNED TO RUN; IS THAT CORRECT?

16 A YES, SIR.

17 Q WHAT HAPPENED? WERE YOU ABLE TO RUN AWAY?

18 A NO. I TOOK ABOUT A STEP AND THEN FELL
19 UNDER THAT CAR.

20 Q YOU WERE ABLE TO TAKE ONE STEP BEFORE YOU
21 FELL; IS THAT CORRECT?

22 A YES, SIR.

23 Q WHAT IS IT THAT CAUSED YOU TO FALL?

24 A THE BULLET IN MY BACK.

25 Q OKAY. YOU FELT IT STRIKE YOUR BACK,
26 CORRECT?

27 A IT WAS HOT.

28 Q HOT?

1 A HOT. LIKE FIRE HOT.

2 Q OKAY. WHAT PART OF YOUR BODY DID IT ENTER?

3 A MY PELVIS. MY PELVIS. IT CHIPPED A PIECE
4 OFF.

5 Q YOU LOOKED LIKE YOU'RE POINTING TO YOUR
6 LEFT SIDE; IS THAT RIGHT?

7 A YES. YES.

8 Q AND DO YOU HAVE A BULLET HOLE IN YOUR BODY
9 AS YOU SIT HERE TODAY?

10 A YES, I DO.

11 Q AND JUST AS SPECIFICALLY AS YOU CAN TELL US
12 WHERE ON YOUR BODY IT ENTERED. I KNOW YOU SAID YOUR
13 PELVIS, BUT WHAT DOES THAT MEAN SPECIFICALLY?

14 A YOU KNOW, THE ROUND PART OF YOUR PELVIS
15 LIKE THAT?

16 Q YES. AND YOU MADE A SEMI-CIRCULAR MOTION
17 WITH BOTH FINGERS.

18 A YEAH. I THINK IT CHIPPED THE TOP OF IT
19 BECAUSE THEY SAY IT CHIPPED A PIECE OF THE BONE.

20 Q LET ME STOP YOU THERE. I JUST WANT TO KNOW
21 WHERE IT ENTERED YOUR BODY.

22 A OH.

23 Q SO WHEN YOU LOOK IN THE MIRROR AND YOU SEE
24 THE HOLE --

25 A YEAH. RIGHT HERE. RIGHT HERE ON MY BACK.

26 Q IS IT ABOVE YOUR BELTLINE OR BELOW?

27 A IT'S BELOW.

28 Q BELOW YOUR BELTLINE?

1 A YEAH.

2 Q AND IS IT IN THE SOFT PART OF YOUR BUTTOCKS
3 OR --

4 A IT'S RIGHT ABOVE IT.

5 Q LIKE RIGHT BELOW THE BELTLINE?

6 A YEAH.

7 Q AND --

8 MS. AENLLE-ROCHA: IS THAT A "YES"?

9 THE WITNESS: YES. EXCUSE ME.

10 MS. AENLLE-ROCHA: THAT'S OKAY.

11 BY MR. MC KINNEY:

12 Q FROM YOUR TAILBONE WHERE YOUR SPINE COMES
13 DOWN THE MIDDLE OF YOUR BACK TO YOUR SIDE, WOULD YOU SAY
14 IT'S RIGHT IN THE MIDDLE OF THAT SPACE OR MORE TO THE SIDE
15 OR MORE TO THE MIDDLE?

16 A MORE TO THE SIDE.

17 Q OKAY. SO --

18 MR. MC KINNEY: MAY I STAND?

19 MS. AENLLE-ROCHA: MADAM FOREPERSON, WITH YOUR
20 PERMISSION?

21 THE FOREPERSON: YES.

22 BY MR. MC KINNEY:

23 Q OKAY. SO --

24 MR. MC KINNEY: I APOLOGIZE FOR USING YOUR TABLE.

25 Q YOU'RE LEANING UP AGAINST THAT WHITE CAR
26 SORT OF LIKE I'M LEANING UP AGAINST THIS TABLE, CORRECT?
27 FACING NIPSEY?

28 IS THAT TRUE?

1 A YES.

2 Q YOU HEARD A VOICE SAY, "YOU'RE THROUGH,"
3 AND YOU TURN TO YOUR LEFT AND IMMEDIATELY SAW A GUN AND
4 MUZZLE FLASH; IS THAT CORRECT?

5 A YES.

6 Q SO THEN YOU TURN TO YOUR RIGHT?

7 A AND I GOT IT RIGHT THERE.

8 Q AND YOU GOT IT AS YOU TURNED ONE STEP TO
9 THE RIGHT?

10 A RIGHT.

11 Q YOU GOT HIT --

12 A RIGHT THERE.

13 Q RIGHT WHERE I'M PUTTING MY HAND RIGHT
14 BELOW --

15 A RIGHT THERE.

16 Q -- RIGHT BELOW MY BELT JUST LEFT OF YOUR
17 MIDLINE?

18 A YES.

19 Q AND THEN YOU DROP TO THE GROUND?

20 A (NODS HEAD).

21 Q IS THAT CORRECT?

22 A YES, SIR.

23 Q DID THE SHOOTING CONTINUE AFTER YOU FELL?

24 A YES, IT DID.

25 Q WAS IT ONE CONTINUOUS PATTERN OF SHOTS OR
26 WAS IT A PATTERN TO THE SHOTS, LIKE STACCATO PATTERN?

27 A IT WAS LIKE ONE, TWO, THREE, THEN IT
28 STOPPED. AND THEN IT CAME BACK, ONE, TWO, THREE MORE AND

1 THEN IT STOPPED. THEN IT CAME BACK AGAIN. AND I WAS LIKE
2 I'M SURE THIS GUY'S GONNA FINISH ME OFF 'CAUSE I CAN'T
3 MOVE, BUT HE DIDN'T.

4 Q WHEN -- LET ME GO BACK AND SHOW YOU GRAND
5 JURY EXHIBIT NUMBER 4.

6 AFTER YOU FELL TO THE GROUND, WHAT, IF
7 ANYTHING, COULD YOU SEE?

8 A NOTHING. I FELL ON MY STOMACH.

9 Q SO YOU --

10 A SO I COULD JUST SEE OUT OF THE PERIPHERY.
11 I COULDN'T SEE ANYBODY'S FACE. LIKE I SAID, I DIDN'T SEE
12 NOTHING, I DON'T KNOW NOTHING, BUT IF I MUST -- YOU KNOW.

13 Q WAS YOUR HEAD -- WERE YOUR FEET CLOSER TO
14 THE -- HOW CAN I SAY THIS?

15 WERE YOUR FEET FACING OR CLOSER TO WHERE
16 THE SHOOTER CAME FROM AND YOUR HEAD CLOSER TO THE BACK OF
17 THE VEHICLE THAT YOU WERE LAYING ON?

18 A MY -- HALF OF MY BODY WAS UNDER THE VEHICLE
19 BECAUSE I ONLY TOOK ONE STEP AND THEN IT KNOCKED ME TO THE
20 GROUND.

21 Q OKAY. BUT YOU TURNED AWAY FROM THE TAX --
22 LOOK AT THE EXHIBIT. YOU SEE THAT BUILDING THAT SAYS,
23 "TAX/INSURANCE"?

24 A YES.

25 Q SO YOU TURNED TO RUN AWAY FROM THAT BECAUSE
26 YOU WERE RUNNING AWAY FROM THE SHOOTER, CORRECT?

27 A YES.

28 Q SO WHEN YOU WENT DOWN WERE YOUR FEET CLOSER

1 TO WHERE THE SHOOTER CAME FROM AND YOUR HEAD AWAY?

2 A YEAH.

3 Q OKAY.

4 MS. AENLLE-ROCHA: IS THAT A "YES"?

5 THE WITNESS: YES.

6 BY MR. MC KINNEY:

7 Q NOW, WHEN YOU WERE DOWN, WAS YOUR HEAD
8 FACING EASTBOUND, MEANING YOU HAD A VIEW OVER THIS
9 DIRECTION, OVER THIS DIRECTION WHERE I'M HOLDING THE
10 POINTER --

11 A YEAH.

12 Q -- EAST OF WHERE YOU FELL, OR DID YOU HAVE
13 A VIEW RIGHT OF YOUR DIRECTION OR WEST OF YOUR DIRECTION
14 TOWARD THE FISH RESTAURANT AND THE T-MOBILE STORE?

15 THIS WAY?

16 A YEAH.

17 Q ALL RIGHT. SO YOU FELL DOWN, HEAD TOWARD
18 THE BACK OF THE VEHICLE THAT YOU WERE LEANING AGAINST, --

19 A YES.

20 Q -- AND YOU WERE LOOKING TOWARD THE SHELL
21 GAS STATION OVER HERE?

22 A YEAH.

23 Q OKAY. AFTER YOU FELL, COULD YOU EITHER
24 HEAR THE SHOOTER -- DID YOU HEAR THE SHOOTER SAY ANYTHING
25 AFTER THOSE FIRST WORDS, "YOU'RE THROUGH"?

26 A NO.

27 Q DID YOU SEE WHAT, IF ANYTHING, HAPPENED TO
28 NIPSEY AFTER THE SHOOTING STARTED?

1 A HE CAME BACK AND SHOT SEVERAL MORE TIMES
2 AND I HEARD WOMEN SCREAMING LOUDLY.

3 Q LET ME STOP YOU THERE. DID YOU SEE NIPSEY
4 GO DOWN TO THE GROUND?

5 A HE WENT DOWN AFTER ME.

6 Q DID YOU SEE THAT?

7 A YES.

8 Q OKAY. SO AFTER YOU WENT DOWN YOU SAW HIM
9 GO DOWN?

10 A RIGHT BEHIND ME.

11 Q NOW, AFTER YOU WENT DOWN, DID YOU HAVE A
12 VIEW OF HIM?

13 A A SLIGHT VIEW.

14 Q WHAT DOES THAT MEAN?

15 A LIKE I COULD ONLY SEE HALF HIS BODY PAST
16 THE CAR TIRE.

17 Q OKAY. BUT YOUR HEAD -- YOUR LINE OF VIEW
18 WAS MAINLY FACING AWAY FROM HIM, CORRECT?

19 A RIGHT, AND I TURNED LIKE THIS. I'M STILL
20 ON THE GROUND AND SO MY FACE JUST TURNED LIKE THAT.

21 Q OKAY. SO YOU'RE INDICATING YOU TURNED YOUR
22 FACE BACK TOWARD THE DIRECTION WHERE NIPSEY WAS WHICH
23 WOULD HAVE BEEN TO YOUR LEFT?

24 A IT WOULD BE TO MY RIGHT, BECAUSE IF I LAID
25 DOWN LIKE RIGHT NOW ON THE -- ON THE GROUND WITH MY FACE
26 LIKE THIS, I COULD ONLY LOOK THAT WAY AND THAT'S WHERE HE
27 WAS AT, BEHIND ME.

28 Q OKAY. WAS HE DOWN ON THE GROUND CLOSER TO

1 THE CAR THAT HE WAS UP AGAINST OR CLOSER TO WHEN THE
2 SHOOTING STARTED?

3 A I BELIEVE SO, YEAH.

4 Q OKAY. DID YOU HEAR HIM SAY ANYTHING DURING
5 THE SHOOTING, EITHER WHEN THE SHOOTING WAS HAPPENING OR IN
6 THOSE BREAKS IN BETWEEN SHOTS?

7 A NO. HE CALLED OUT A NAME. I DON'T KNOW
8 WHAT IT WAS.

9 Q WHY DO YOU THINK IT WAS A NAME AS OPPOSED
10 ON SOMETHING ELSE?

11 A BECAUSE SOMEBODY WAS HOLLERING, "HEY, WHO
12 DID THIS? WHO DID THIS TO YOU?"

13 Q I MEAN, WHILE THE SHOOTING WAS STILL GOING
14 ON, --

15 A NO.

16 Q -- DID YOU HEAR HIM SAY ANYTHING LIKE
17 "STOP" --

18 A NO.

19 Q -- OR "WHY ARE YOU DOING THIS TO ME"?

20 A NO.

21 MS. AENLLE-ROCHA: JUST LET THE RECORD REFLECT WHEN
22 YOU SAID THAT THE WITNESS WAS FACING THE SHELL GAS
23 STATION, THAT THAT'S IN THE DIRECTION OF CRENSHAW
24 BOULEVARD, THE ALLEY AND THEN CRENSHAW BOULEVARD.

25 THE WITNESS: RIGHT.

26 MS. AENLLE-ROCHA: THANK YOU.

27 BY MR. MC KINNEY:

28 Q OKAY. TELL US WHAT HAPPENED AFTER THE LAST

1 SHOT YOU HEARD. WHAT, IF ANYTHING, DID YOU SEE OR HEAR
2 NEXT AFTER THE LAST SHOT?

3 A HIS BROTHER CAME TO HIS AID.

4 Q WHOSE BROTHER?

5 A NIPSEY'S BROTHER.

6 Q OKAY. DO YOU KNOW HIS NAME?

7 A SAM.

8 Q HAD YOU MET SAM BEFORE?

9 A I HAVE.

10 Q WERE YOU STILL ON THE GROUND WHEN THAT
11 HAPPENED?

12 A I WAS.

13 Q AND WERE THERE A NUMBER OF PEOPLE GATHERED
14 AROUND NIPSEY TRYING TO HELP HIM?

15 A YES. SAM WAS GIVING HIM MOUTH TO MOUTH
16 RESUSCITATION.

17 Q WERE YOU CONSCIOUS AND AWARE OF WHAT WAS
18 HAPPENING THE WHOLE TIME OR DID YOU EVER LOSE
19 CONSCIOUSNESS?

20 IF YOU --

21 A I COULD SAY I BLACKED OUT FOR A MOMENT, BUT
22 I HAD TO STAY WOKE BECAUSE I'VE SEEN PEOPLE BLACK OUT AND
23 DON'T COME BACK, AND I WAS LIKE I CAN'T LET THIS HAPPEN TO
24 ME, BUT THIS IS STILL HAPPENING TO ME.

25 Q WERE YOU HOSPITALIZED IMMEDIATELY AFTER
26 YOUR INJURY?

27 A YES.

28 Q WERE YOU TAKEN TO THE HOSPITAL BY

1 PARAMEDICS?

2 A YES. EXCUSE ME. THE LADY SAID --

3 MS. AENLLE-ROCHA: WELL, DON'T TELL US WHAT THE
4 LADY SAID.

5 THE WITNESS: THE HOSPITAL LADY.

6 MS. AENLLE-ROCHA: I KNOW. YOU CAN'T TELL US WHAT
7 THE HOSPITAL LADY SAID.

8 THE WITNESS: OKAY.

9 BY MR. MC KINNEY:

10 Q BUT YOU DID GO TO A HOSPITAL, CORRECT?

11 A YES.

12 Q YOU SAW A DOCTOR?

13 A YES, I DID.

14 Q OKAY. AND I NOTICE THAT YOU'RE HERE TODAY
15 IN A WHEELCHAIR. HAVE YOU BEEN USING A WHEELCHAIR?

16 A YES, I HAVE.

17 Q ARE YOU ABLE TO WALK?

18 A ABOUT FIVE OR SIX FEET.

19 Q AND THEN WHAT HAPPENS AFTER FIVE OR SIX
20 FEET?

21 A MY LEFT SIDE GOES ALMOST COMPLETELY NUMB
22 LIKE YOUR FOOT GOES TO SLEEP. IT COMES ALL THE WAY UP TO
23 MY HAND AND I COULD FEEL IT.

24 Q AND YOU'RE HOLDING YOUR LEFT ARM, --

25 A RIGHT.

26 Q -- WRIST AREA?

27 A ALL THE WAY DOWN TO MY FEET. I'M LIKE THIS
28 IS NOT -- IT'S NOT RIGHT.

1 Q SO --

2 A BUT IT CUT -- THE BULLET CUT SOME NERVES.

3 Q LET ME STOP YOU THERE.

4 SO BASICALLY YOU'RE SAYING THAT THE INJURY
5 YOU SUFFERED HAS AFFECTED YOUR ABILITY TO WALK MORE THAN
6 FIVE OR SIX FEET, AT LEAST FOR NOW, CORRECT?

7 A YEAH.

8 Q AND IT'S BEEN OVER A MONTH SINCE YOU'VE
9 BEEN SHOT?

10 A YEAH.

11 MS. AENLLE-ROCHA: IS THAT A "YES"?

12 THE WITNESS: YES. I HAVE TO LEARN HOW TO WALK ALL
13 OVER AGAIN THEY SAID. IT'S A PROCESS, BUT IF YOU FORCE
14 YOURSELF TO WALK TO LITTLE PLACES, THEN YOU BE ABLE TO
15 WALK MORE AND MORE.

16 BY MR. MC KINNEY:

17 Q OKAY.

18 A I GUESS IT'S THERAPY THEY CALL IT, SO --

19 MS. AENLLE-ROCHA: PHYSICAL THERAPY?

20 THE WITNESS: RIGHT. I DON'T HAVE IT, BUT I'M
21 USING MY WALKER BECAUSE WHEN I GOT OUT OF PRISON THEY GAVE
22 ME A WALKER BECAUSE I HAD A STROKE. MY RIGHT SIDE WAS
23 MESSED UP. SO I USED A WALKER FOR A WHILE AND THEN WHEN I
24 WAS ABLE TO GET OFF OF IT, THEN I STARTED GOING ON PASSES,
25 YOU KNOW.

26 MS. AENLLE-ROCHA: HOW MANY DAYS WERE YOU IN THE
27 HOSPITAL?

28 THE WITNESS: ABOUT FOUR.

1 BY MR. MC KINNEY:

2 Q ARE YOU SCHEDULED FOR ANY FOLLOW-UP VISITS?

3 A WELL, SEVERAL PEOPLE HAVE MADE BUSINESS
4 ARRANGEMENTS, BUT THIS TODAY TOOK OVER -- THE LADY WAS
5 GONNA DO THE PHYSICAL THERAPY FOR ME. MY WIFE, MY
6 EX-WIFE --

7 Q SO LET ME STOP YOU THERE. IS THE ANSWER
8 YES, YOU EXPECT THAT YOU WILL STILL BE GOING TO GET
9 MEDICAL TREATMENT FOR WHAT HAPPENED?

10 A OH, INDEED.

11 Q ALL RIGHT. LET ME STOP YOU THERE BECAUSE I
12 WANT TO SHOW YOU A VIDEO.

13 A A WHO?

14 Q A VIDEO.

15 MS. AENLLE-ROCHA: A VIDEO.

16 THE WITNESS: OKAY.

17 MS. AENLLE-ROCHA: A VIDEO.

18 BY MR. MC KINNEY:

19 Q I'M GONNA START THE VIDEO AT 14:01:45.

20 MS. AENLLE-ROCHA: AND IT'S EXHIBIT --

21 MR. MC KINNEY: THIS IS EXHIBIT 11, CAM 6.

22 MS. AENLLE-ROCHA: I'M GOING TO TURN DOWN THE
23 LIGHTS SO IT'S A BIT EASIER AND IT'S A BIT SHARPER.

24 MR. MC KINNEY: OKAY. I'M GOING TO START IT AT
25 14:01:27.

26 Q CAN YOU SEE THE VIDEO, MR. LATHAN?

27 A YEAH.

28 MS. AENLLE-ROCHA: IS THAT A "YES"?

1 THE WITNESS: YES, MA'AM.

2

3 (EXHIBIT 11, CAM 6, PLAYED.)

4

5 BY MR. MC KINNEY:

6 Q AND I WANT YOU TO FOCUS ON THIS AREA AT THE
7 TOP RIGHT OF THE VIDEO. DO YOU SEE THAT BLACK SUV COMING
8 INTO VIEW?

9 A I DO.

10 Q IS THAT THE VEHICLE YOU ARRIVED IN WITH
11 YOUR NEPHEW SHERMI?

12 A HIS VEHICLE IS -- IS FURTHER BACK.

13 Q THIS VEHICLE THAT I'M POINTING TO THAT'S
14 BACKING UP, --

15 A YEAH.

16 Q -- IS THAT THE VEHICLE YOU ARRIVED IN?

17 A I BELIEVE SO.

18 Q OKAY. AND OVER HERE TO THE LEFT OF THE
19 VEHICLE ON THE VIDEO, THIS PERSON APPEARS TO HAVE A WHITE
20 RAG ON HIS HEAD. IS THAT NIPSEY?

21 A I BELIEVE SO.

22 Q AND THE DOOR OF THE VEHICLE IS OPENING NOW,
23 14:02:13. AND TELL ME IF THAT'S YOU GETTING OUT OF THE
24 PASSENGER SIDE OF THE VEHICLE.

25 A YEP.

26 Q THAT'S YOU?

27 A YES, SIR.

28 Q OKAY.

1 NOW, YOU TESTIFIED THAT ESSENTIALLY UP
2 UNTIL THE TIME OF THE SHOOTING YOU WERE IN THIS AREA, THE
3 AREA THAT YOU'RE STANDING IN NOW CLOSE TO THOSE TWO WHITE
4 CARS TOWARD THE FRONT OF THE MARATHON STORE TALKING TO
5 NIPSEY AND SOME OF THE OTHER GUYS WHO WERE AROUND; IS THAT
6 CORRECT?

7 A YES, SIR.

8 Q I WANT TO FAST FORWARD TO 14:10:50. AND
9 I'LL MAKE IT 14:10:15.

10 AND I WANT YOU TO FOCUS NOW ON THIS AREA UP
11 HERE. IS THAT YOUR BACK UP AGAINST THE WHITE CAR AS YOU
12 DESCRIBED?

13 A YEAH. I CAN'T REALLY SEE IT.

14 Q RIGHT HERE?

15 A OKAY.

16 Q DOES THAT APPEAR TO BE WHERE YOU WERE
17 LEANING?

18 A YEAH.

19 MS. AENLLE-ROCHA: YES?

20 THE WITNESS: YES, SIR. YES, MA'AM.

21 BY MR. MC KINNEY:

22 Q AND DOES THIS APPEAR TO BE NIPSEY OVER HERE
23 TAKING A PICTURE WITH SOMEONE?

24 A THAT LITTLE CHILD.

25 Q OKAY. AND THIS PERSON HERE IN THE PINK
26 SHIRT, IS THAT YOUR NEPHEW SHERMI?

27 A I BELIEVE SO.

28 Q STANDING TOWARD THE FRONT OF HIS VEHICLE?

1 A YEAH.

2 Q SO THERE'S NIPSEY, YOU, THE YOUNG MAN WHO
3 YOU DIDN'T KNOW TO YOUR RIGHT, AND YOUR NEPHEW SHERMI
4 HERE, CORRECT?

5 A YES, SIR.

6 Q OKAY. FOCUS ON THIS PERSON WALKING TOWARD
7 THE CARS.

8

9 (EXHIBIT 11, CAM 6, PLAYED.)

10

11 BY MR. MC KINNEY:

12 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO SEE
13 THAT?

14 A YES, SIR.

15 Q OKAY. DIDN'T THAT ACCURATELY SHOW WHAT
16 HAPPENED WHEN THE SHOOTING STARTED AND WHAT HAPPENED TO
17 YOU?

18 A YEAH. I WAS THE ONE THAT FELL --

19 Q ALL RIGHT. I WANT TO SHOW YOU --

20 A -- FIRST.

21 Q I WANT TO SHOW YOU ANOTHER VERSION OF THAT
22 THAT'S ZOOMED IN A LITTLE BIT. OKAY?

23 A OKAY.

24 Q THIS ONE IS ZOOMED IN SO WE CAN'T SEE THE
25 COUNTER THAT'S EMBEDDED IN THE VIDEO, BUT ON THIS CLIP --
26 AT 4 MINUTES AND 12 SECONDS INTO THIS CLIP -- AND THIS IS,
27 FOR THE RECORD, GRAND JURY EXHIBIT NUMBER 13.

28 (EXHIBIT 13 PLAYED.)

1 BY MS. MC KINNEY:

2 Q THIS VIDEO BETTER SHOWS YOU GETTING OUT OF
3 THE BLACK CAR, CORRECT?

4 A YES, SIR.

5 Q AND YOU'RE SHAKING HANDS WITH NIPSEY HERE
6 AND YOU'RE JUST TALKING, CORRECT?

7 A YES, SIR.

8 Q NOW, I WANT TO GO FORWARD A LITTLE BIT IN
9 THIS ZOOMED-IN VIEW.

10 OKAY. I'M GONNA GO TO 10 MINUTES AND 18
11 SECONDS INTO THE VIEW.

12 NIPSEY IS -- THIS IS YOU WITH YOUR BACK
13 LEANING UP AGAINST THE WHITE AUDI, CORRECT?

14 A YES, SIR.

15 Q NIPSEY IS RIGHT IN FRONT OF YOU; IS THAT
16 RIGHT?

17 A YES, SIR.

18 Q THIS IS YOUR NEPHEW SHERMI ALMOST DIRECTLY
19 BETWEEN THE TWO CARS MAYBE FIVE OR SIX FEET AWAY FROM YOU;
20 IS THAT CORRECT?

21 A YES, SIR.

22 Q AND THEN THIS IS THE OTHER GENTLEMAN THAT
23 YOU DESCRIBE WHO YOU DIDN'T KNOW HIS NAME; IS THAT RIGHT?

24 A THAT'S RIGHT.

25 Q RIGHT. LET'S WATCH IT FROM THIS POINT
26 FORWARD.

27

28 (EXHIBIT 13 PLAYED.)

1 MR. MC KINNEY: ACTUALLY, I DIDN'T GO FAR ENOUGH.
2 SO IN THE INTEREST OF TIME, I'M GONNA GO FURTHER A LITTLE
3 BIT.

4 ALL RIGHT. I'M GONNA START AT 12:15.

5 Q NIPSEY COMES OVER TO TAKE A PICTURE ON THE
6 SIDEWALK IN FRONT OF THE TAX BUSINESS, CORRECT?

7 A YES.

8 Q THIS IS HIM HERE.

9 ALL RIGHT. LET'S WATCH IT FROM HERE.

10
11 (EXHIBIT 13 PLAYED.)
12

13 BY MR. MC KINNEY:

14 Q ALL RIGHT. 13:25 INTO THIS CLIP NIPSEY IS
15 HERE WITH THE WHITE RAG, YOUR BACK IS LEANING UP AGAINST
16 THE WHITE CAR, THE GUY THAT YOU DESCRIBED NEXT TO YOU AND
17 YOUR NEPHEW IN THE PINK SHIRT ABOUT SIX FEET AWAY FROM YOU
18 IN BETWEEN THE TWO WHITE CARS, CORRECT?

19 A YES, SIR.

20 Q ALL RIGHT. NOW, FOCUS ON THIS PERSON HERE
21 THAT'S GONNA COME AND WALK BETWEEN THE TWO CARS COMING
22 FROM LEFT TO RIGHT.

23
24 (EXHIBIT 13 PLAYED.)
25

26 BY MR. MC KINNEY:

27 Q NOW, AT 14 -- I'M GONNA STOP IT AT 14:20.
28 DID THAT VIDEO ACCURATELY SHOW THE SHOOTING

1 THAT HAPPENED THAT DAY?

2 A I HAD NEVER SEEN IT BEFORE, BUT, YEAH.

3 Q YOU HAD NEVER SEEN THIS VIDEO BEFORE,
4 CORRECT?

5 A YES, SIR.

6 Q BUT IN TERMS OF WHAT YOU SAW ON THE VIDEO,
7 DID THAT ACCURATELY REFLECT WHAT YOU SAW AND -- SAW THAT
8 DAY?

9 A YES, SIR.

10 Q OKAY. LAST COUPLE QUESTIONS FOR YOU.

11 YOU MADE A NUMBER OF STATEMENTS ABOUT WHY
12 YOU WERE AT THE STORE THAT DAY, CORRECT?

13 A YES, SIR.

14 Q AND ONE OF THE THINGS THAT YOU HAD
15 PREVIOUSLY TOLD ME AND OTHER PEOPLE IN OTHER STATEMENTS
16 WAS THAT WHEN YOU FIRST ARRIVED AT THE STORE YOU WENT
17 INSIDE THE STORE TO ATTEMPT TO PURCHASE A SHIRT, WAS TOLD
18 THEY DIDN'T HAVE YOUR SIZE, AND THEN YOU WALKED OUT AND
19 HAD A CONVERSATION WITH NIPSEY; IS THAT CORRECT?

20 A YES.

21 Q WAS THAT PART OF THE STORY TRUE, THAT --
22 DID YOU EVER GO INTO -- LISTEN TO THE QUESTION. DID YOU
23 EVER GO INTO THE STORE THAT DAY?

24 A NO.

25 Q OKAY.

26 MS. AENLLE-ROCHA: PARDON ME.

27 THIS IS BEING PROVIDED AS POTENTIALLY
28 EXCULPATORY EVIDENCE PURSUANT TO *PEOPLE VS. JOHNSON*.

1 PLEASE CONSIDER THIS EVIDENCE AS YOU WOULD ANY OTHER
2 EVIDENCE THAT IS PRESENTED TO YOU DURING THE COURSE OF
3 THIS HEARING AND YOUR DELIBERATIONS.

4 BY MR. MC KINNEY:

5 Q OKAY. SO I KNOW YOU PREVIOUSLY TESTIFIED
6 THAT WHEN YOU WENT TO THE STORE IT WAS YOUR INTENT TO GO
7 IN AND BUY A SHIRT, CORRECT?

8 A RIGHT.

9 Q IS THAT YES?

10 A THAT'S CORRECT.

11 Q BUT THE FACT IS YOU NEVER WENT INTO THE
12 STORE TO ATTEMPT TO MAKE A PURCHASE, CORRECT?

13 A NO. THEY SAID, "HE'S OUTSIDE." I SAID,
14 "OKAY."

15 Q OKAY. WHEN YOU MADE THOSE STATEMENTS TO ME
16 AND TO OTHERS IN THE PAST, THAT YOU ACTUALLY WENT INTO THE
17 STORE, DID YOU MAKE THAT STATEMENT BECAUSE YOU WERE AFRAID
18 THAT IF YOU ADMITTED THAT YOU JUST WENT AND ONLY SPOKE TO
19 NIPSEY THAT IT WOULD SOMEHOW AFFECT YOUR PAROLE STATUS?

20 A I DID.

21 Q ALL RIGHT. THANK YOU.

22 IN ADDITION TO THE -- THE CONVICTION FOR
23 MURDER THAT YOU PREVIOUSLY TESTIFIED ABOUT, YOU ALSO PRIOR
24 TO THAT HAD ABOUT FOUR FELONY CONVICTIONS FOR DRUG SALES;
25 IS THAT CORRECT?

26 A I DID.

27 Q AND THAT'S JUST THE WAY YOU WERE LIVING
28 YOUR LIFE AT THAT TIME IN YOUR LIFE; IS THAT CORRECT?

1 A YES, SIR.

2 Q ALL RIGHT. THANK YOU.

3 MR. MC KINNEY: NO FURTHER QUESTIONS.

4 MS. AENLLE-ROCHA: ANY QUESTIONS FOR THIS WITNESS
5 FROM ANY GRAND JURORS?

6 PLEASE RAISE YOUR HANDS SO THE
7 SERGEANT-AT-ARMS CAN COLLECT THEM.

8 MR. MC KINNEY: WHILE WE'RE WAITING FOR THAT
9 QUESTION, MAY I ASK ANOTHER QUESTION?

10 MS. AENLLE-ROCHA: YES.

11 BY MR. MC KINNEY:

12 Q WHERE'S SHERMI?

13 A PROBABLY AT WORK.

14 Q OKAY. YOU GUYS CURRENTLY LIVE TOGETHER?

15 A YES, SIR.

16 Q AND HE'S -- DO YOU KNOW WHETHER HE'S AWARE
17 THAT WE WERE TRYING TO GET HIM TO COME INTO COURT AND GIVE
18 TESTIMONY?

19 A WELL, HE SAYS --

20 Q YOU DON'T HAVE TO TELL ME WHAT HE SAYS, BUT
21 HAVE EFFORTS BEEN MADE AT YOUR RESIDENCE --

22 A YES.

23 Q -- TO TRY TO --

24 A YES.

25 Q -- LOCATE HIM?

26 A YES.

27 Q OKAY. ALL RIGHT. THANK YOU.

28 MS. AENLLE-ROCHA: THIS IS A GRAND JUROR QUESTION,

1 BUT YOU PREVIOUSLY ANSWERED THIS QUESTION WHEN YOU WERE
2 ASKED BY MR. MC KINNEY. YOU DID NOT SEE THE SHOOTER'S
3 FACE, CORRECT?

4 THE WITNESS: NO, I DIDN'T.

5 MS. AENLLE-ROCHA: OKAY.

6 ANY ADDITIONAL QUESTIONS?

7

8 (PAUSE IN PROCEEDINGS.)

9

10 MS. AENLLE-ROCHA: OKAY. THIS IS A GRAND JUROR
11 QUESTION AND IT REFERS TO YOUR PAROLE AND MAYBE WHY YOU --
12 YOUR ANSWER REGARDING WHAT YOU DID AS SOON AS YOU ARRIVED
13 THERE WAS A LITTLE DIFFERENT.

14 SO YOU WERE IMPRISONED FOR MURDER AND YOU
15 WERE RELEASED OUT ON PAROLE, CORRECT?

16 THE WITNESS: YES, MA'AM.

17 MS. AENLLE-ROCHA: AND THERE ARE CONDITIONS OF
18 PAROLE WHEN YOU'RE RELEASED OUT ON PAROLE, CORRECT?

19 THE WITNESS: YES, MA'AM.

20 MS. AENLLE-ROCHA: AND SOMETIMES PART OF THE
21 CONDITION OF PAROLE IS THAT YOU DO NOT CONGREGATE OR
22 ASSOCIATE WITH KNOWN GANG MEMBERS; IS THAT CORRECT?

23 THE WITNESS: CORRECT.

24 MS. AENLLE-ROCHA: WAS THAT THE CONDITION THAT YOU
25 WERE CONCERNED ABOUT OR WAS THERE ANOTHER CONDITION?

26 THE WITNESS: THAT WAS THE CONDITION BECAUSE THEY
27 SAID HE'S NOT LIKE THAT AT ALL ALL OVER THE COMMUNITY
28 BEFORE THIS HAPPENED. I SAID, "OKAY."

1 MS. AENLLE-ROCHA: BUT YOU WERE CONCERNED THAT YOUR
2 PAROLE OFFICER, WHO IS THE PERSON WHO SUPERVISES YOU --
3 THE WITNESS: RIGHT.

4 MS. AENLLE-ROCHA: -- WHEN YOU'RE RELEASED FROM
5 PRISON AND YOU'RE ON PAROLE, WOULD VIOLATE YOUR PAROLE,
6 AND IF YOU VIOLATE -- YOUR PAROLE IS VIOLATED, WHAT
7 HAPPENS?

8 THE WITNESS: YOU GO BACK TO PRISON.

9 MS. AENLLE-ROCHA: BECAUSE PAROLE IS ALLOWING YOU
10 OUT WITH CONDITIONS, AND IF YOU VIOLATE THEM, THEN YOU GO
11 BACK TO SERVE THE FULL TERM; IS THAT CORRECT?

12 THE WITNESS: I SERVED THE FULL TERM.

13 MS. AENLLE-ROCHA: WELL, YOU SERVED YOUR FULL TERM
14 AND YOU WERE RELEASED, BUT THERE'S STILL ADDITIONAL TIME
15 IF YOU VIOLATE YOUR PAROLE THAT YOU WOULD HAVE TO SERVE IN
16 PRISON, CORRECT?

17 THE WITNESS: YES.

18 MS. AENLLE-ROCHA: OKAY. AND YOU DIDN'T WANT TO GO
19 BACK, CORRECT?

20 THE WITNESS: NO, MA'AM.

21 MS. AENLLE-ROCHA: ALL RIGHT.

22 ANY ADDITIONAL QUESTIONS?

23 OKAY. MADAM FOREPERSON, IF YOU WOULD
24 PLEASE ADMONISH THE WITNESS.

25 THE FOREPERSON: OKAY.

26 MS. AENLLE-ROCHA: IT'S THE LONG VERSION.

27 THE FOREPERSON: YES.

28 BEFORE YOU LEAVE, PLEASE LISTEN CAREFULLY

1 TO WHAT I AM GOING TO SAY TO YOU NOW.

2 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
3 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
4 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
5 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
6 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
7 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
8 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
9 MADE PUBLIC.

10 I WISH TO ADVISE YOU THAT A VIOLATION OF
11 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
12 AGAINST YOU.

13 DO YOU UNDERSTAND THIS ADMONITION?

14 THE WITNESS: YES, MA'AM.

15 MS. AENLLE-ROCHA: NOW, MR. LATHAN, YOU HAVE A
16 LAWYER. YOU MAY DISCUSS WITH YOUR LAWYER ANY PART OF THIS
17 TESTIMONY, THE QUESTIONS, THE ANSWERS, AND -- THAT'S ABOUT
18 IT, BUT ANYTHING THAT YOU WOULD LIKE TO. YOU ARE NOT
19 RESTRICTED FROM ANY COMMUNICATIONS WITH YOUR LAWYER. DO
20 YOU UNDERSTAND?

21 THE WITNESS: OKAY.

22 MS. AENLLE-ROCHA: IF IT'S NOT YOUR LAWYER, YOU
23 CAN'T DISCUSS ANYTHING. THIS IS A SECRET PROCEEDING AND
24 YOU HAVE BEEN ADVISED THAT IF YOU VIOLATE THAT, THEN YOU
25 COULD BE HELD IN CONTEMPT. OKAY?

26 THE WITNESS: YES, MA'AM.

27 MS. AENLLE-ROCHA: THANK YOU SO MUCH FOR COMING.
28 YOU'RE NOW -- WE'RE GOING TO RECESS RIGHT AFTER THIS AND

1 YOU'RE EXCUSED. AND I'M GOING TO ASK MR. MC KINNEY IF HE
2 WILL WHEEL YOU OUT AND THEN HE CAN COME BACK AND GET ALL
3 HIS THINGS.

4 ALL RIGHT?

5 AND IF THE SERGEANT-AT-ARMS COULD OPEN THE
6 DOOR FOR YOU.

7 THANK YOU, MR. LATHAN.

8 THE WITNESS: THANK YOU.

9 MS. AENLLE-ROCHA: HOPE YOU FEEL BETTER.

10 THE WITNESS: IT'S A LOT. THANK YOU.

11
12 (DEPUTY DISTRICT ATTORNEY MC KINNEY AND
13 THE WITNESS EXITED THE GRAND JURY
14 HEARING ROOM.)

15
16 (PAUSE IN PROCEEDINGS.)

17
18 (DEPUTY DISTRICT ATTORNEY MC KINNEY
19 ENTERED THE GRAND JURY HEARING ROOM.)

20
21 MS. AENLLE-ROCHA: OKAY. MADAM FOREPERSON, WOULD
22 YOU PLEASE RECESS -- IT IS THE END OF OUR DAY. WOULD YOU
23 RECESS THIS HEARING AND ORDER THE GRAND JURORS TO RETURN
24 TOMORROW AT 3:30.

25 SO ORDERED?

26 THE FOREPERSON: SO ORDERED.

27 MS. AENLLE-ROCHA: NOT 3:30. AT 8:30.

28 NO, ACTUALLY, THOUGH, THERE'S ONE THING I

1 NEED TO PUT ON THE RECORD.

2 SO THE GRAND JURORS ARE ADVISED THAT THE
3 FOREPERSON'S STATEMENT IS NOT EVIDENCE AND MUST NOT BE
4 CONSIDERED AS EVIDENCE. AND WHEN WE TOOK ONE OF OUR
5 EARLIER BREAKS, I WAS APPROACHED BY A JUROR WHO STARTED TO
6 ASK A QUESTION REGARDING THE FOREPERSON'S STATEMENT AND I
7 STOPPED HER FROM SAYING ANYTHING FURTHER AND I DID ADVISE
8 HER THAT THE FOREPERSON'S STATEMENT IS NOT EVIDENCE AND IS
9 NOT TO BE CONSIDERED AS EVIDENCE, JUST AS THE OPENING
10 STATEMENT WAS, AND THAT WILL ALSO INCLUDE AT THE END OF
11 THE CASE THE CLOSING STATEMENT. SO THOSE ARE NOT EVIDENCE
12 AND ARE NOT TO BE CONSIDERED AS EVIDENCE.

13 OKAY. SO NOW, MADAM FOREPERSON, WOULD YOU
14 PLEASE RECESS THIS HEARING, ORDER THE GRAND JURORS TO
15 RETURN TOMORROW -- I THINK IT WOULD BE BETTER IF THEY COME
16 AT 8:30 IN THE MORNING.

17 THE FOREPERSON: OKAY.

18 MS. AENLLE-ROCHA: THANK YOU VERY MUCH.

19 SO ORDERED?

20 THE FOREPERSON: SO ORDERED.

21 MS. AENLLE-ROCHA: GRAND JURORS ARE ADMONISHED AND
22 ADVISED NOT TO DISCUSS THIS MATTER OR FORM ANY OPINION
23 UNTIL SUCH TIME AS IT IS GIVEN TO YOU FOR DELIBERATIONS.

24 THANK YOU. WE ARE IN RECESS.

25 AND I WILL ESCORT THE D.A. FROM THE HEARING
26 ROOM.

27 (AT 3:29 P.M., THE MATTER WAS CONTINUED TO
28 TUESDAY, MAY 7, 2019, AT 9:00 A.M.)